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JOURNAL

OF THE

HOUSE OF DELEGATES

OF

VIRGINIA.

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SESSION 1839-40.

RICHMOND:

PRINTED BY SAMUEL SHEPHERD, PRINTER TO THE COMMONWEALTH.

1839.

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JOURNAL

OF THE

HOUSE OF DELEGATES OF VIRGINIA.

CITY OF RICHMOND, MONDAY, DECEMBER 2, 1839.

A majority of the members of the house, having been qualified according to the constitution, took their seats.

On motion of Mr. WILSON, *Resolved*, That GEORGE WYTHE MUNFORD be appointed clerk.

On motion of Mr. WILSON, the house proceeded to the choice of a speaker. He thereupon nominated THOMAS W. GILMER, esq., one of the delegates from the county of Albemarle; and the clerk recorded the vote as follows:

For Mr. Gilmer.—Messrs. Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Powell, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Carroll, Butts, Taylor of Halifax, Clarke of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Harrison, Lipscomb, Banks, Scott, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Allyn of Norfolk Borough, Watts, Etheridge, Yerby, Hudnall, M'Connell, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Carroll, Venable, Roberts, Heath, Ratcliffe, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Bare, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger.—118.

THOMAS W. GILMER, esq. was accordingly declared duly elected speaker. He was conducted to the chair by Messrs. Dorman and Crutchfield, and returned his acknowledgments to the house.

On motion of Mr. WILSON, *Resolved*, That DANIEL WARD be appointed sergeant at arms.

Mr. WILSON proposed the following resolution:

Resolved, That a doorkeeper be now appointed.

On motion of Mr. DORMAN, the resolution was ordered to be laid upon the table.

On motion of Mr. WILSON, *Resolved*, That the rules and regulations adopted for the government of the house of delegates at its last session be adopted for the government of the present session.

THE SAID RULES AND REGULATIONS ARE THE FOLLOWING:

1. No member shall absent himself from the service of the house, without leave, unless he be sick, and unable to attend.

2. When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat, and without advancing, shall, with due respect, address "MR. SPEAKER," confining himself strictly to the point in debate, avoiding all indecent and disrespectful language.

3. When any member rises and addresses the chair, the speaker shall recognize him by his name; but no member shall designate another by name.

4. No member shall speak more than *twice* in the same debate, without leave.

5. A question being once determined, must stand as the judgment of the house, and cannot, during the same session, be drawn again into debate.

6. While the speaker is reporting or putting a question, none shall entertain private discourse, read, stand up, walk into, out of, or across the house.

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7. No member shall vote on any question, in the event of which he is immediately and personally interested; nor in any other case where he was not present when the question was put by the speaker or chairman in any committee.

8. Every member who shall be in the house when any question is put, shall on a decision be counted on one side or the other.

9. A majority of delegates shall be necessary to proceed to business; and every question shall be determined according to the vote of a majority of the members present, except where the constitution otherwise provides; any smaller number, together with the speaker, shall be sufficient to adjourn; twenty may call a house, send for absentees, and make any order for their censure or discharge.

10. When the house rises, every member shall remain in his seat until the speaker passes him.

11. On a call of the house, the doors shall not be closed against any member until his name shall have been once enrolled.

12. When any member shall continue in his seat two days after having obtained leave of absence, such leave shall be regarded as revoked. It shall be the special duty of the clerk, to enter on the journal, every leave of absence, and to disallow the pay of the member for the time during which he was absent.

13. Any member, sustained by seven others, shall have a right before the question is put, to demand the ayes and noes on the decision of any question; and on such occasions, the names of the members shall be called over by the clerk, and the ayes and noes respectively entered on the journal, and the question decided as a majority shall thereupon appear. After the ayes and noes shall have been taken, and before they are counted, or entered on the journal, the clerk shall read over the names of those who voted in the affirmative, and of those who voted in the negative, at which time any member shall have the right to correct any mistake committed in enrolling *his* name.

14. No business shall be introduced, or considered after 12 o'clock, until the orders of the day be disposed of, except messages from the senate or executive. Among the orders of the day, those which are general in their nature, shall have precedence over such as are private or local.

15. The speaker may call any member to the chair, who shall exercise its functions for the time; but no member, by virtue of such appointment, shall preside for a longer time than one day.

16. The speaker shall set apart convenient seats for the use of the members of the senate and executive, and of the judges of the superior courts of this commonwealth and of the United States, and of such other persons as he may invite within the bar of the house.

17. All bills or other business shall be dispatched in the order in which they are introduced, unless the house shall direct otherwise in particular cases.

18. The clerk shall not permit any records or papers to be taken from the table or out of his possession; but he may deliver to a member, any bills depending before the house, on taking his receipt for the same.

19. The journal of the house shall be drawn up by the clerk, on each day, and after being examined by the speaker, shall be printed and delivered without delay.

20. The clerk shall publish, with the laws, all resolutions of a general nature, annex marginal notes to each law or resolution, and subjoin an index to the whole.

21. The clerks of the senate and house of delegates may interchange messages at such time, between the hour of adjournment and that of meeting on the following day, as that the said messages may be read immediately after the orders of the day.

22. It shall be the duty of the clerk to make an alphabetical schedule of the petitions presented during the session, with a short analysis of each, for the information of succeeding legislatures.

23. No petition of a private nature having been once rejected, shall be acted on a second time unless it be supported by new evidence; nor shall any such petition, after a third disallowance, be again acted on. The several clerks of committees shall keep alphabetical lists of all such petitions, specifying the sessions at which they were presented, and the determination of the house thereon; and shall deliver the original petitions to the clerk of the house, to be preserved in his office.

24. No petition or memorial shall be received, praying for the division of a county or parish, changing the place of holding any court, or other local matter, unless the purport of such petition or memorial shall have been fixed up at the courthouse door of the county where such alteration is proposed, at two different courts, and shall have remained there one day during the sitting of each court, and at least one month shall have passed after the holding of the last court, and before the petition or memorial is presented. And no petition or memorial shall be received, or bill brought in for establishing or discontinuing ferries, nor for any other purpose affecting private rights or property, unless the parties interested shall have had one month's notice. And if they be not known to the petitioner or memorialist, the purport of the petition, memorial, or bill, shall be set up at the courthouse in the manner before directed, and *also* three times inserted in some newspaper in the state most convenient for conveying the intended information, one month before offering or moving the same.

25. No petition shall be received claiming a sum of money, or praying the settlement of unliquidated accounts, unless it be accompanied with a certificate of disallowance from the executive, or auditor, containing the reason why it was rejected. But this order shall extend to no person applying for a pension.

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26. When any petition, or bill founded on one, is rejected, such petition shall not be withdrawn, but the petitioner, or member presenting his petition, or any member from the county or corporation in which the petitioner resides, may without leave, withdraw any document filed therewith; and a list of every document so withdrawn, shall be preserved by the clerk. All petitions not finally acted on, may, with the accompanying documents, be in like manner withdrawn, after the expiration of the session at which they were presented.

27. No petition shall be read in the house, unless particularly required by some member; but every member presenting one, shall announce the name of the petitioner, the nature of the application, and whether in his opinion a similar application had been before made by said petitioner. He shall also endorse on the back of the petition, his own name as a pledge that it is drawn in respectful language: whereupon, it shall be delivered to the clerk, by whom it shall be laid before the proper committee.

28. At the commencement of each session, the following committees shall be appointed by the speaker:

1. A committee of privileges and elections, to consist of nine members.
2. A committee for courts of justice, to consist of not less than nine nor more than thirteen members.
3. A committee for schools and colleges, to consist of not less than nine nor more than thirteen members.
4. A committee of propositions and grievances, to consist of not less than nine nor more than thirteen members.
5. A committee of claims, to consist of not less than nine nor more than thirteen members.
6. A committee of roads and internal navigation, to consist of not less than nine nor more than thirteen members.
7. A committee on the militia laws, to consist of not less than five nor more than seven members.
8. A committee of finance, to consist of not less than seven nor more than nine members.
9. A committee on the penitentiary, to consist of not less than five nor more than seven members.
10. A committee on the armory, to consist of not less than seven nor more than thirteen members.
11. A committee on executive expenditures, to consist of not less than five nor more than seven members.
12. A committee to examine first auditor's office, to consist of not less than five nor more than seven members.
13. A committee to examine second auditor's office, to consist of not less than five nor more than seven members.
14. A committee to examine clerk's office, to consist of not less than five nor more than seven members.
15. A committee to examine the register's office, to consist of not less than five nor more than seven members.
16. A joint committee to examine the treasurer's accounts, to consist of not less than five nor more than seven members.
17. A joint committee to examine the bonds of public officers, to consist of not less than five nor more than seven members.
18. A joint committee on the public library, to consist of not less than five nor more than seven members.
19. A committee on agriculture and manufactures, to consist of not less than five nor more than thirteen members.
20. A committee to examine enrolled bills, to consist of not less than five nor more than ten members.
21. A committee to examine the lunatic asylums in this commonwealth, to consist of not less than five nor more than ten members.

29. Five members of any standing or select committee, shall be a quorum to proceed to business.

30. The several committees are instructed to report, in all cases to them referred, whether other cases may arise, comprised within the principle of the petitioner: and if a bill be ordered, it shall be so drawn as to provide for all such cases, as well as that in which it originated; and in petitions and other matters referred, the committee shall have power, if they deem it expedient, to report by bill.

31. Select committees shall not consist of less than five nor more than thirteen members.

32. The committee of privileges and elections shall examine the oaths taken by each member and certificates of election furnished by the sheriffs, and report thereon to the house.

33. The committee of privileges and elections shall report in all cases of privilege or contested elections the principles and reasons on which their resolutions are founded.

34. The committee for schools and colleges shall annually examine into the state and manner of administration of the literary fund, and make such report as they may deem proper.

35. The committee of finance shall annually examine into the state of the debts due from the commonwealth; of the revenue and expenditures of the preceding year, and prepare an estimate of the expenses of the succeeding year, and make such report thereon as they may deem proper.

36. Any person contesting the election of a member returned to serve in this house, will be entitled to receive his wages only from the day on which such person is declared duly elected.

37. Whenever by the equality of sound, a division of the house is rendered necessary in the opinion of the speaker, or of a member, the members shall be required to rise in their places; and if on a general view of the

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house, a doubt still exist on the mind of the speaker, or of a member, as to the side on which the majority voted, the members shall be counted standing in their places, either by the speaker, or by two members of opposite opinions on the question, to be deputed for the purpose by the speaker.

38. Documents printed by order of the house, shall be printed on paper of the same size with the journal, and a copy shall be bound up with each journal, and furnished the members at the end of the session; and it shall be the duty of the public printer to furnish 185 additional copies to be used for that purpose.

39. Any person shall be at liberty to sue out an original writ, or subpœna in chancery, to prevent a bar by the statute of limitations, or to file any bill in equity, and examine witnesses thereupon, for the purpose of preserving their testimony against any member of this house: *Provided*, That the clerk, after having made out and signed such original writ, or subpœna, shall not deliver it to the party, nor to any other person, during the continuance of the member's privilege.

40. Any person summoned to attend this house, or any one of its committees, as a witness, shall be privileged from arrest during his coming to, attendance on, or return from the house or committee: and no such witness shall be obliged to attend, until the party at whose request he was summoned, shall pay or secure to him, for his attendance and travelling, the same allowance which is made to witnesses attending the general court.

41. If any person shall tamper with a witness, in respect of his evidence to be given before this house, or one of its committees, or directly or indirectly endeavour to deter or hinder a person from appearing or giving evidence, it shall be deemed a high misdemeanour, which the house will severely punish.

42. No person shall be taken into custody by the sergeant at arms, on any complaint of breach of privilege, until the matter is examined by the committee of privileges and elections, and reported to the house.

43. In all elections, but one vacancy shall be filled at a time.

44. In elections by joint vote of the two houses of the general assembly, each house shall first communicate, by message to the other, the names of the persons who may be put in nomination for the said office in each house respectively; and then each house shall vote separately in its own chamber; and shall each appoint a committee on its part to meet a committee on the part of the other house, and communicate the result of the vote in each house respectively; and if upon such vote, any person have a majority of the whole number of votes, the same shall be reported by the committees to their respective houses, and the speaker of each house shall declare such person duly elected; and if no person shall have a majority of the whole number of votes, both houses shall in like manner proceed to another vote, dropping the person who shall have the smallest number of votes on the former vote; and so on till an election be made; and the results of each vote in each house shall, in like manner, be communicated by each house to the other, and reported by their respective committees; and the election, when made, shall in like manner be declared by the respective speakers of the two houses.

45. Hereafter it shall be the duty of the clerk, previous to reading each bill, to announce whether it is on its first, second or third reading.

On motion of Mr. MAY, *Ordered*, That leave be given to bring in a bill for the temporary relief of the banks of this commonwealth, and that Messrs. May, Robertson, Watts, Crutchfield, Smith of Isle of Wight, Allyn of Norfolk, Baker, Worthington, Reynolds, Toler, M'Connell, Venable, and M'Millan bring in the same.

On motion of Mr. ROBERTSON, *Resolved*, That the speaker assign to editors of newspapers suitable seats within the bar of the house for the purpose of reporting the proceedings thereof.

The speaker submitted a communication from DAVID CAMPBELL, esq., governor of the commonwealth, which was read as follows:

EXECUTIVE DEPARTMENT, DECEMBER 2, 1839.

SIR,—Enclosed is a communication to the general assembly, which be pleased to lay before the house of delegates.

I am, very respectfully, your obedient servant,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF DELEGATES:

In the midst of some discouragements and disappointments we have strong motives for humble and earnest thankfulness to the beneficent dispenser of all good, for the abundance of the productions of the earth during the present year in every portion of our country, and the excellent health which the people of our own state have generally enjoyed.

Great difficulties have attended the efforts to negotiate the loans authorized by law; and it is not probable that within any short time hereafter the money necessary to complete the public works in progress can be procured by a resort to loans. So great are the discouragements to any new attempt to borrow on public account, and the rate of interest is so high, that the purpose of raising money in that mode must, for the present at least, be abandoned. Desirable as it is to finish the works of internal improvement that have been commenced, and

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to undertake others no less important, yet unauthorized, it has become necessary, I fear, not only to postpone the latter class, but also to suspend some of the former. In that event, as this interesting branch of public policy would be recurred to again as soon as a favourable change in the times would admit, it is the part of prudence to examine rigidly into the finances and to lay the foundations of an ample fund, not only to pay the interest of the state debt, but to extinguish the principal, and of any addition to it which the general assembly may hereafter authorize.

I regret exceedingly that it has become my duty to communicate to the general assembly another suspension of specie payments by the banks in almost every state in the Union, as it is understood, except New York and some of the states to the north of it. The suspension commenced with the banks of Philadelphia, and was soon followed by many others to the south and west as far as I have heard, including all the banks, as is believed, of this state, except those at Wheeling and a branch of the Bank of Virginia at Portsmouth. As soon as the report reached me, my attention without delay was directed to the acts regulating the banks of this state, to ascertain what measures, under such a state of things, might be required of the executive to be taken.

By the eighth section of the act establishing general regulations for the incorporation of banks, passed March 22, 1837, it is provided, "That the bills or notes of all banks hereafter chartered, originally made payable on demand, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to this commonwealth; but if any such bank shall at any time fail or refuse to redeem its notes in gold or silver coin, its bills or notes shall be no longer receivable as aforesaid; and the governor for the time being is hereby authorized and required, by proclamation, to declare the fact, and forthwith to prohibit the notes of said bank to be received in payment of any money due to the commonwealth; and if the said bank shall be one in which any portion of the public revenue shall be deposited, the governor shall cause the said deposites standing in the said bank to the credit of the commonwealth, or any of the public funds, to be removed therefrom to some specie paying bank, or to some other place of safety."

It will be perceived from this provision that on the happening of a certain contingency therein described, it is made the duty of the governor to do two things: first, to issue his proclamation declaring the fact of suspension, and prohibiting the notes of "said bank" (so suspending specie payments) from being received in payment of any money due to the commonwealth; secondly, to cause the deposites of the public revenue in "the said bank" to be removed therefrom to some specie paying bank, or to some other place of safety. Both of these acts are required to be performed by the governor on the happening of the contingency contemplated in the statute; for both, it will be seen, are placed by the terms of the law on precisely the same footing. The very grave and important character of the consequences to flow from either or both of them, whether regard be had to the ease and convenience of the people in meeting the public burthens, the safe-keeping and collection of the public revenue, or the general operations of the treasury in conducting the public finances and upholding the public credit—all these considerations made it incumbent on the executive to seek carefully the intentions of the legislature as to the nature of the contingency contemplated by them, and on which such important consequences were to depend. A diversity of opinion existing as to the true construction of the act of 1837 in this respect, I called on the attorney general for his opinion, which is herewith communicated to the general assembly. It will be seen that that officer stated, as the result of his reflections on the subject, and of a careful examination of the law, that he was strongly inclined to the opinion that "the law intended to provide for a case in which one or more banks had suspended specie payments, while others continued to pay specie;" and that the duties required of the governor were to be performed in case of a partial and not a general suspension of the banks.

The suspension which has taken place being almost a general one, including, it is understood, all the banks in the commonwealth, except those at Wheeling and the branch of the Bank of Virginia at Portsmouth, there could no longer be room for doubt as to the propriety of the executive refraining from any action on the occasion, if the opinion intimated by the law officer of the state be the true construction of the act of 1837. The least that could be said under the influence of so respectable an authority was, that it is at all events a case of doubtful construction: and the public convenience in all such cases being held a sound rule of interpretation, as furnishing the most probable clue to the intentions of the legislature, I could not but give very great weight in forming my own judgment on the subject to the obvious and distressing consequences to the public at large, which would result from prohibiting the receipt of bank notes, forming as they do the general and almost sole currency of the country at the present moment, and demanding specie alone in payment of the public dues. The consequence must have been either that that portion of the revenue which remained to be collected, probably one half, would not be collected *at all*, or if its collection were coerced by the stern process of the law, and that too within so short an interval before the period fixed for the entire payment of the revenue into the treasury, a ruinous sacrifice of property would have taken place, greater in all probability than has been witnessed at any time since the revolution. And to what end would these specie collections have been wrung from the people, at the cost of so great and distressing a sacrifice of property? According to the opinion of the attorney general, founded on the positive provisions of the law of 1829, regulating the mode of paying money into the treasury, *merely* that they should pass into the vaults of non-specie paying banks which would have given out paper only in return; for the banks, it must be remembered, are no more obliged to pay specie on the demands of the commonwealth

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and its creditors than on those of private individuals. All the distress of these specie exactions, then, would have been visited upon the people, without any countervailing advantage to the government or the commonwealth.

On turning to the other branch of the duty imposed on the governor by the act of 1837, in the contingency therein described, to wit, that of removing the deposits of the public revenue from the banks wherein they are placed by law to some specie paying bank or other place of safety, other, and if possible, still more serious difficulties presented themselves, which gave great additional weight to the opinion that the contingency described in the act could not have been intended to refer to a general suspension of specie payments by all the banks, or if it did, that the execution of the act in the state of things which had arisen was plainly impracticable. There being no specie paying bank in the state, if the public moneys were removed from the banks in which they are now deposited by law, they must have been removed to some place of safety other than a bank. But to have done that in the existing state of the law, would have produced a complete suspension of all the operations of the public treasury,—a consequence which could not be presumed to have been contemplated or intended by the legislature. As the law now stands, regulating the receipts and payments of the public moneys, no money can be received into the treasury but on certificates of payment first made into bank, given by the officers of the banks, which are constituted by law the depositories of the public revenue; nor can any money be paid out of the treasury but by checks drawn on those banks. The act of 1837, while it authorizes and requires the governor in a certain contingency to remove the public moneys from those banks, neither repeals the general provisions of the law above referred to, nor provides any new mode by which money may be received into or paid out of the treasury.

The whole of our existing legislation on that subject is comprehended in the act passed the 16th of February 1829, "prescribing the mode of paying the public moneys into and out of the treasury." By the first section of that act it is provided that "all moneys due and payable to the commonwealth, &c., shall be paid into the bank of Virginia or Farmers bank of Virginia in the manner hereinafter prescribed, *and not otherwise.*" The manner is then prescribed as follows:—The person "liable to pay" is first to obtain a warrant from the auditor of public accounts, or the second auditor, directing the treasurer to receive the money. The treasurer is then to make an order upon the warrant, directing the proper officer of one of the banks to receive the same. The certificate of the bank officer, that the money is paid, is brought to the treasurer, who then gives a receipt for the money. This receipt is carried to the auditor, and he gives a discharge. The second section enacts that if any person shall pay any public money whatsoever to the treasurer, otherwise than according to the provisions aforesaid, he shall remain liable therefor as if he had not paid it. The third section provides that all public moneys shall be kept in the banks aforesaid in the name of the treasurer of the commonwealth; and the fourth, that the treasurer shall have no authority to draw any money standing to his credit aforesaid in either bank, except by his check drawn on a warrant issued by one of the auditors.

This law, it will doubtless be recollected by the general assembly, was passed upon great deliberation, after experience had demonstrated the defectiveness and insecurity of former regulations on the subject, and was intended to introduce and establish an entirely new system in the receipt, safe-keeping and disbursement of the public moneys. It is emphatically the organic law of the public treasury in Virginia; and until repealed or modified by the legislature, the only competent authority, it must be regarded as a binding rule of action to the public officers and all others concerned.

This, then, being the existing state of the law, let it be supposed that it had been determined to remove the public moneys from the banks, under the eighth section of the act of 1837—where were they to be placed for safe-keeping and due administration? In the custody of the treasurer, as the legal and responsible fiscal officer of the commonwealth—would naturally occur as the answer. But the treasurer, it will be seen from his letter herewith submitted, accompanied by the opinion of the attorney general, whose advice he required, would not have considered himself at liberty to take possession of the public moneys in case of their removal, regarding his custody of them to be inhibited by the letter and spirit of the law of 1829, the leading object and policy of which were to place the public moneys out of the custody and beyond the control which that officer had formerly held over them. If any other place of deposit could have been found, the public moneys there would have been wholly without legal safeguard or protection; for the treasurer declares he "would consider them in that case" *out of the treasury.* How, too, could public money have been paid into or out of this new place of deposit, if such an one had been found and designated by the governor. The law of 1829, it has been seen, expressly prohibits the receipt of public money into the treasury except through the banks, and in like manner prevents any payment from being made by the treasurer, otherwise than by checks drawn on the banks. No other mode has been prescribed or authorized by law, and the executive could have prescribed none without an unwarranted assumption of legislative power. The removal of the public moneys from the banks, and the establishment of a new place of deposit by the governor in this state of things, must then have been entirely nugatory, or have involved, as a necessary consequence, a total stoppage in the operations of the treasury both as to receipts and disbursements.

These are some of the insuperable embarrassments which would have attended an attempt, in the present

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state of things, to execute the contingent authority given to the governor by the act of 1837. They brought my mind to the conclusion that a general suspension of specie payments by all the banks was not such a contingency as that act contemplated, or if it were, that the execution of its provisions was impracticable without a farther exercise of legislative authority. I have deemed it, therefore, most in harmony with the constitutional duties of the executive department, as well as most consistent with the intentions of the legislature and the general interest of the people and the commonwealth, to submit the whole matter, as I now do, to the general assembly, to be disposed of by them as they in their wisdom shall judge best for the common good.

Your attention is again most respectfully invited to the subject of common schools. The incalculable importance of a judicious system of popular instruction to the best interests of society, will be my justification for pressing it upon you so often. In a former communication, I suggested that the plan of general education should embrace not only the instruction of the entire youth of the country, but a gradual increase of well qualified and experienced teachers. Further enquiries have led me to the conclusion that provision for qualifying teachers ought to precede the organization of schools. In some of the states, and in other countries where they have been engaged in establishing common schools, the greatest difficulty which they have had to encounter in the commencement has been in obtaining properly qualified teachers. And until the inducements to qualify themselves and the facilities for so doing, are greatly multiplied, it is not to be expected that they will be found among ourselves.

It is not to be questioned that the diffusion of sound education is of the last importance to the well being of society. Indeed, we are solemnly admonished that the safety of life and property in our country depends upon the proper training and educating of our youth. When man becomes the master of his own political destiny, it is not rational to suppose that he will give to it a proper direction without knowledge of the power committed to his keeping, and of the consequences that attend its abuse.

Should you not deem it advisable to do more at the present session, let me press upon you the necessity of making provision for the preparation of good teachers. I would also urge that a competent person be appointed to visit the different counties, examine into the actual condition of the schools in each and report to a future legislature the result of this examination. The general assembly would then be enabled to act with a full and correct knowledge of the condition of the schools and state of education in the commonwealth.

During the past summer, I had an opportunity of personally inspecting the Western lunatic asylum at Staunton, accompanied to the institution by the physician, whose untiring efforts to improve its usefulness are worthy of the highest commendation. I was gratified, in passing through all the buildings, to observe the order and neatness which pervaded the whole establishment, and the comfort of its inmates. I was especially gratified to learn the number of insane persons that had within the last year or two been cured and discharged, to return again to their homes, their families and friends. The very important intelligence was communicated that of twenty persons brought to the asylum since the report of 1838, afflicted with recent insanity, sixteen had been cured and discharged, two were rapidly recovering, and the other two were so much improved as to induce the hope that they also will recover; whilst of the cases of long standing, although many have been greatly meliorated, but few have been restored. In view of these facts it is to be regretted that our asylums are not sufficiently spacious to receive all of this unfortunate class, and that their friends do not convey them thither as soon as their malady becomes known. That is of the utmost importance, as it is the opinion of the best informed physicians on the subject that nine-tenths of all who may be afflicted with insanity might be cured if promptly attended to.

Since the adjournment of the last general assembly, I have received a communication from the governor of Maine, forwarding certain resolutions, adopted by the legislature of that state in relation to the public domain, which I now lay before you.

In my last annual message, I had occasion to state somewhat at large my views on this interesting and important subject. Subsequent reflection has but served to confirm them, and to induce me very earnestly to call your attention again to the magnitude and urgency of the considerations which belong to it. Reference to my former views will shew that my opinions are in some respects widely different from those entertained by the legislature of Maine, at least as to the best practicable mode of devoting the public lands to the common benefit of all the states.

That the public lands were acquired by purchase out of the common funds of the Union, or are by cession held as a common fund, may be readily conceded, and is indeed earnestly insisted on by me. I agree also that no better means can be perceived of applying them to the common benefit, so as to relieve each state from so much of its proportion of the common charge than the appropriation of their proceeds to the expenditures of the general government, if the states were in point of fact relieved thereby from taxation to an equivalent amount.

But notwithstanding the enormous increase of the proceeds of the sales of the public lands during the last five or six years, and the continually diminishing rate of impost, it has not been found that the aggregate amount of revenue from other sources than the public lands has been diminished, or that the states have been relieved from taxation to an amount equivalent, or any thing like equivalent, to those proceeds. On the contrary, the expenditures of the general government seem to keep pace with the increasing revenue, and even to go beyond

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it. The inevitable tendency of a superabundant revenue and an overflowing treasury seems to have been, as it is natural to suppose it always will be, to encourage and invite not only liberal but extravagantly prodigal and excessive expenditures. And there is always danger, in such circumstances, that the appropriations of public money may not only be poured out in too large and abundant currents, but may find vent through unaccustomed channels, making serious breaches in the barriers of the constitution.

So long as the income of the federal government arising from imposts cannot be kept within the limits of what is necessary for ordinary and legitimate expenditure upon an economical scale, to swell the amount by the addition of the proceeds of the sales of the public lands, instead of relieving the states from taxation, only leads to the appropriation of the revenue to local objects extremely partial in their benefits, doubtful in policy, and very often more than doubtful in respect of constitutional authority.

This is not mere theory and speculation, but historical experience, as lamentable as it is authentic.

Readily concurring in the sentiment that it is highly objectionable on grounds of expediency and power, to raise money by taxation *direct* or *indirect*, *merely* for the purpose of distributing it again among the states—yet whenever the proceeds of the sales of the public lands are not needed for the proper and necessary expenses of the general government, I cannot see how they can be so well applied to the common benefit of all the states as by distributing them among the states in some just and equitable proportion. And before making such distribution, I think justice demands that compensation be rendered to the old states for the liberal grants to the states in which the lands are situated, and a sufficient portion of the lands or their proceeds be fairly and fully applied to the extinguishment of the unsatisfied claims of the soldiers of the revolution, by whose patriotic toil and hardy valour the conquest of a large portion of them was achieved.

I cannot persuade myself that the proposition to confine the sales to actual settlers, and especially if the present *minimum* is to be made the *maximum* price for the public lands, can be regarded as consistent with sound policy or consonant with the rights of the parties in the contract by which the disposition of this property was entrusted to the congress of the United States. Such a system would, I respectfully submit, be productive of no good to counterbalance the serious mischiefs it would tend to produce. It might occasion an unnatural and artificial stimulus to emigration, and thus draw off from the Atlantic to the western states a large portion of that hardy "yeomanry," who are as much the pride and reliance of the country here as they would be there. It might increase with even greater rapidity than has yet been seen, the population of the new at the expense of that of the old states. It might depreciate the value of our lands in the southern states, and diminish the amount of our products. It might, by diminishing the supply of labour, increase its wages for a season so high that the northern manufacturer would, unless protected by a high tariff, abandon his pursuit, and then so far labour would get no wages because it could get no employment. This new system for disposing of the public lands might produce effects such as these, and would I think certainly tend to produce them; but surely they are not results such as a statesman, philanthropist, or republican can contemplate as desirable, and such as he ought to be willing to aid in accomplishing.

The common right of all the states to the benefit of the public lands as a fund which is the common property of the whole, can surely not be respected by selling their common property at an inadequate price; and it is not possible without a solecism to pretend that a partial, unequal and unjust disposition of them is avoided by selling them at such inadequate price, and at the same time excluding the citizens of at least two-thirds of all the states altogether from the opportunity of purchasing them.

It is wholly in conflict with my notions of national policy, justice and right, for congress to dispose of these lands by any system of laws which, while they sacrifice the property at a price much below its value, enhance the growth and prosperity of one portion of the states at the expense and to the manifest injury of the rest. I cannot but regard such system as being in violation of the sacred trust under which this property was confided to congress, and no better warranted by the terms or spirit of the acts of cession and the genius of our confederacy, than it would be for congress to cede the lands to the states in which they are situated, and at once and absolutely to recognize their exclusive right to the property and dominion of the public domain.

I have felt it to be my duty to state the reflections which have occurred to my mind in reference to the opinions declared by the legislature of Maine. I submit them to be judged and disposed of as you may deem most fit and proper.

A vacancy has occurred in the command of the second division of the militia by the resignation of major general William Madison, which I communicate in order that it may be filled. It becomes my painful duty also to inform you of the death of William Daniel, a judge of the general court, elected and assigned to the eighth circuit and fourth district of the superior courts of law and chancery. In his death the commonwealth has lost an able and faithful public officer, and society one of its most valuable members.

I transmit a communication from the adjutant general, accompanied by a return of the militia for the year 1839, and also lay before you the report of the visitors of "The Virginia Military Institute," lately organized at the arsenal near the town of Lexington in Rockbridge county under an act of the last session of the general assembly. You will be gratified to learn, as you will do from the report, that this school has commenced under the most favourable auspices as to its future usefulness, and that nothing is wanting to carry out the enlightened views of the legislature but a small additional appropriation.

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I transmitted to the general assembly at its last session the proceedings of the legislature of Georgia in relation to an unsuccessful demand by the executive of that state upon the governor of the state of Maine for the surrender of certain persons charged with the crime of secretly and feloniously carrying away a slave from the state of Georgia.

Uninformed of the particular grounds on which the demand was disregarded by the executive of Maine, I supposed that the authority of the state of Georgia to make such a demand was of the most indisputable validity. I thought also that the obligation of compliance, when all the preliminary forms were observed, was placed beyond controversy by the constitution of the United States. I ventured to indulge and express the hope and belief that upon these general propositions there could not be any division of opinion any where in the Union, resting, as I supposed they did, upon the plain terms and undeniable intent of the constitution.

I regret to have to communicate to you that in these confident expectations I find myself undeceived in a mode and from a quarter which dispels my confident belief that the interpretation of the constitution deemed by me so manifest would be acquiesced in, and makes it necessary for us to enquire whether any and what means we must resort to for the purpose of securing the enjoyment of those rights and that safety which the constitution was supposed to furnish. During my absence from the seat of government in the summer, a demand was made upon the governor of New York by the lieutenant governor of this commonwealth for the surrender of three persons charged by affidavit with having feloniously stolen and carried away from the state of Virginia a negro slave, the property of a citizen of the borough of Norfolk in this state.

These men (being found in the harbour of New York, with the negro alleged to have been stolen concealed in the hold of the vessel in which he was carried away from the port of Norfolk) were arrested for the purpose of awaiting the demand of the executive of this state for their surrender in the mode prescribed by the act of congress. The demand was made, and the governor of New York, waiving some technical objections of form which might have been easily obviated, refused to comply with the demand of the executive of this state upon the broad and undisguised denial of his obligation to deliver up any person charged with a felony or crime n stealing a slave.

I send herewith the correspondence between the executive of this state and that of New York upon the subject.

To remove all possible doubt of the principles on which the governor of New York has refused to perform what I regard, with all proper respect for his opinions, as a plain and manifest constitutional duty, I will quote from his letters to the lieutenant governor so much as is necessary to exhibit his conclusions.

He says: "Admitting the affidavit to be sufficient in form and substance to charge the defendants with the crime of stealing a negro slave from his master in the state of Virginia as defined by the laws of that state, yet in my opinion the offence is not within the meaning of the constitution of the United States."

The executive of New York then admits that the words employed in the constitution, "treason, felony or other crime,"—"are very comprehensive;"—"that citizens of the state on which the requisition is made are liable to be surrendered as well as citizens of the state making the demand;"—"that the executive upon whom the demand is made has no legal right to refuse compliance, if the offence charged is an act of 'treason, felony or other crime,' within the meaning of the constitution." He then expresses the opinion that it is not "competent for any state at its pleasure to declare an act to be treason, felony or crime, so as to bring it within the provisions of the constitution;" and that "the provision applies only to those acts which, if committed within the jurisdiction of the state in which the person accused is found, would be treasonable, felonious or criminal by the laws of that state."

After a train of reasoning in vindication of these novel and extraordinary positions, which I do not mean to notice farther than to express the opinion that it is wholly unsatisfactory and inconclusive, the governor of New York proceeds to say "that there is no law of the state of New York which recognizes slavery—no statute which admits that one man can be the property of another, or that one man can be stolen from another;" and that the common law which is in force in New York does not recognize slavery, nor make the act of which the parties are accused in this case either felonious or criminal. He therefore concludes "that the offence is not a felony, nor a crime within the meaning of the constitution;" and he refuses to surrender the persons charged.

I have thought it proper thus succinctly and in his own language to state the grounds on which the governor of New York has refused to comply with the demand made upon him, in order that the general assembly may clearly see the whole extent of the startling and dangerous doctrines broached by a high functionary to whom is entrusted the execution of one of the most salutary and conservative provisions of the constitution. The construction he has put upon the clause of the constitution containing this provision is one that cannot be acquiesced in or submitted to. If persisted in and acted upon by the northern states, it must disturb the harmony and amicable relations heretofore so happily existing between the states; and if maintained by only one single state, it must make that state a refuge for all the felons and criminals who flee from justice in any of the southern states, after committing *there* crimes the most destructive to their property, the most dangerous to their safety, and the most odious to their laws. If the governor of New York is right, he is bound not only to protect those

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who steal our slaves, but those who incite and assist them to abscond from their masters—those who by seditious speeches and writings stir them up to make rebellion or insurrection, or persuade them that they are illegally held in bondage, and may lawfully resort to all means necessary to rid themselves of its yoke.

Under the sanction of this new reading of the constitution, the incendiary abolitionists may send their missionaries and emissaries into the southern states, secure of protection and immunity if they can escape detection until they reach some state whose laws do not recognize slavery.

Such an interpretation of the constitution is incompatible with the rights, and destructive of the safety of all the states holding slaves. None of the fanatic doctrines or disorganizing practices of the abolitionists are so well calculated to endanger the security of our property or to jeopardize the tranquillity and hazard the dissolution of the Union. It is impossible that the Union can continue long, if the opinion should be generally adopted by the states where there are no slaves, that our laws recognizing the existence of slavery and of property in slaves are not to be regarded in executing the provision of the constitution for the surrender of fugitives from justice.

If any confirmation were wanting of the proper interpretation of the constitution on this subject, it would be abundantly found in a reference to the known condition of the states of the Union in regard to the institution of slavery, at the time of the adoption of the constitution.

In more than one half certainly, and perhaps in nearly all the states at that time, and in the state of New York itself, the institution of slavery existed. The right of property in slaves was known by all to exist; and there is no question, in all the slaveholding states there were statutes punishing any interference with that recognized right of property, or with the master's authority and control over his slaves, full as severely as our laws now do. In this state, as early as 1753, our laws made the stealing a slave a capital felony. The parties to the constitutional compact entered into the Union with full knowledge of each other's domestic institutions in this respect, and formed this close and intimate union and made provision for their mutual security and protection in reference to these known existing institutions. When, therefore, in the same article and same section of the constitution, it was provided that fugitives from justice, and fugitive slaves should be delivered up, it is little less than absurd to suppose that while the slave was to be delivered up, the criminal who aided him to abscond was to be protected from punishment, and that although the felon who stole a yard of broadcloth might be demanded, and there was no legal right to refuse to surrender him, the felon who should steal or feloniously convey away a negro slave, was to be protected by any state in the Union into which he might flee.

I feel that I owe you an apology for addressing any thing in the way of argument to you for the purpose of exposing the unsoundness and fallacy of the construction assumed and acted on by the governor of New York.

It is very much to be deplored that when the excitement of the public mind in the south, justly caused by the unwarrantable assaults upon our institutions and our rights by organized societies in the states having no slaves was beginning to subside, the executive of so powerful and influential a state as New York should have adopted a construction of the constitution which has induced him to disregard one of its imperative requisitions upon grounds so well calculated to inspire the infatuated abolitionists with new hopes and fresh zeal in their unholy crusade against our property and our peace, and at the same time to assure them of immunity and protection from responsibility for the violation of our laws.

But this question has been raised in a practical form between this state and New York, and between Georgia and Maine. And it behoves us to meet it at once and to insist upon our rights at every hazard. It is the duty of congress to remove any ambiguity, if there be any, in the laws made to carry into effect the provisions of the constitution for the surrender of fugitives; and if there be no defect or ambiguity in those laws, to provide for the prompt and faithful execution of them by confiding the execution to those whose interpretation of their duty is consistent with our rights and the behests of the constitution. If redress for these wrongs and security against their repetition cannot be procured in either of those modes, it will behove the general assembly to consider whether their own legislative power will not furnish means of securing the state against such flagrant invasion of their rights, without infringing the restrictive provisions of the constitution of the United States. If there be no such means compatible with their obligations to the Union, it may ultimately become our *imperative and solemn duty* "to appeal from the cancelled obligations of the compact, to original rights and the law of self preservation."

In closing this my last annual message, I tender to the general assembly, and through them to the people of the commonwealth, my grateful acknowledgments for the indulgent manner in which all my public acts have been received; and to their judgment on them, whatever it may be, I submit with cheerfulness, feeling the assurance in my own breast that in whatever I have done, my aim has been to uphold the rights and promote the interest of our common country.

DAVID CAMPBELL.

EXECUTIVE DEPARTMENT, December 2, 1839.

On motion of Mr. WILSON, the communication was laid upon the table, and the usual number of copies were ordered to be printed. [Doc. No. 1.]

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The speaker submitted a communication from JAMES E. HEATH, the auditor of public accounts, transmitting his annual report on the finances of the commonwealth; which on motion of Mr. WILSON was laid upon the table and ordered to be printed. [Doc. No. 2.]

The speaker also submitted a communication from LAWSON BURFOOT, the treasurer, transmitting his report on the state of the treasury; which on motion of Mr. WILSON was laid upon the table and ordered to be printed. [Doc. No. 3.]

The speaker also submitted a communication from JAMES BROWN, jr., the second auditor, containing the accounts of the literary fund for the year ending 30th September last, and the usual documents in relation to the transactions of the school commissioners of the state during the year ending 30th September 1838; which on motion of Mr. WILSON was laid upon the table and ordered to be printed. [Doc. No. 4.]

The speaker submitted the following letter from the clerk of the house; which on motion of Mr. DORMAN was laid upon the table:

CLERK'S OFFICE, DECEMBER 2, 1839.

SIR,—By an act of the general assembly passed on the eighth day of April last, the sum of $ 2500 was appropriated out of the public treasury for the purpose of altering and improving the hall of the house of delegates upon the plan submitted by Joseph Boyd, jr. The clerk of the house of delegates was directed to let out the work by contract, to superintend the same, and to draw upon the treasurer from time to time during the progress of the work for such portions of the sum appropriated as were necessary for its completion. By a resolution of the house of delegates on the 9th of the same month, the clerk was directed to dispense with the rooms in the northwestern end of the hall, as provided for in the said plan, and to make such other alterations as he might deem expedient. Under this authority many alterations have been made. It was found that the number of seats necessary to accommodate the house could not be obtained by the plan, and it was varied so as to accomplish that object, though from the contracted width of the room, it was impossible to give to each seat the space which would have been proper, unless some of the desks had been placed under the galleries, which it was deemed advisable to avoid.

The act requiring the repairs made no provision relative to the fixtures then in the room. To supply this omission, such portions of the old fixtures and furniture as could not be used, were directed to be sold at public auction for the benefit of the commonwealth.

The plan referred to in the act, and the estimate of the expense of the repairs made in accordance with that plan and adopted by the committee, did not include the cost of chairs, and the act itself made no provision for their purchase. As, however, these were necessary, the work was advertised to be let out by contract, and in the specifications of the improvements a set of chairs were required to be furnished. Several of the principal mechanics in the city examined the work, but being convinced that it could not be done for the amount appropriated, refused to undertake it. Mr. Anderson Barret, however, agreed to do all the work specified for $ 2450, and to furnish the requisite number of plain windsor chairs. The contract was accordingly made with him, and it is but justice to say it has been executed fully according to his undertaking.

Feeling satisfied that the chairs thus contracted for were not such as were suitable, the right was reserved in the contract to dispense with them, if it was deemed proper, and to deduct their value. Acquainting the governor with what I had done and with my views on the subject, I was authorized by him to procure suitable chairs, and was informed that the necessary expense would be defrayed out of the contingent fund, after deducting the sum raised from the sales of furniture.

In compliance with this authority, a contract was entered into with Mr. Henry Exall to furnish the chairs now in the hall, and he has warranted them to stand in proper order, with ordinary care, until the expiration of the present session of the general assembly; and if they shall require repairs from defect in the work or materials, he is bound to repair them free of cost. To ensure the performance of this covenant, a part of the sum agreed to be paid is reserved till the close of your session.

The sum reserved from Mr. Barret's contract, and the amount received for the sales of fixtures and furniture in the room, has been appropriated to the payment for these chairs, and the residue of their cost has been paid to Mr. Exall by the order of the executive out of the contingent fund, except the amount reserved to secure their repair as before stated.

The whole work contemplated by the act has been executed for $ 2448 60; and the sum raised by sales of furniture, &c., and a part of the appropriation has been expended in the purchase of the chairs, and there remains undrawn from the treasury the sum of eighteen cents.

A portion of the public money having passed through my hands, it is proper that a fair account should be rendered: I hope, therefore, that a committee may be appointed to examine and settle my accounts.

I am, very respectfully, yours,

GEORGE W. MUNFORD, *C. H. D.*

On motion of Mr. MAY, *Resolved*, That the hour of meeting in future shall be twelve o'clock until otherwise ordered.

On motion of Mr. MAY, the house adjourned accordingly.

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TUESDAY, DECEMBER 3, 1839.

The speaker, in obedience to the rules of the house, announced the following as the standing committees, viz:

A Committee of Privileges and Elections—Messrs. Southall, Stephenson, Fitzgerald, Tayloe of King George, Chapman, Butts, Hale of Franklin, Wood and Banks.

A Committee for Courts of Justice—Messrs. May, Southall, Bayly, Jackson of Wood, Hodges, Scott of Fauquier, Ratcliffe, Byrd, Gregory, Lee, Worthington, Chapman and Hunter.

A Committee of Schools and Colleges—Messrs. Goode, Bayly, Venable, Leyburn, M'Connell, Robertson, Walker, Gregory, Kennedy, Meredith, Burwell of Bedford, Ewing and Armstrong.

A Committee of Propositions and Grievances—Messrs. Smith of Isle of Wight, Thornburg, Ramey, Cabell, Taylor of Halifax, Haskins, M'Rae, Lipscomb, Fontaine, Payne, Jackson of Braxton and Lewis, Hamlett, and Wade of Montgomery.

A Committee of Claims—Messrs. Stephenson, Roberts, Massie, Michaux, Hiner, Alderson, Shipman, Hannah, Powell, Carpenter, Heath, Keen and Powell.

A Committee of Roads and Internal Navigation—Messrs. Crutchfield, Beard, Toler, Reynolds, Watts, Smith of Rockingham, Lawson, Seymour, Goodson, Robertson, Byrd, Tunstall and Evans.

A Committee on the Militia Laws—Messrs. Watts, Conn, Flood, Whitworth, Etheridge, M'Cue and Walden.

A Committee of Finance—Messrs. Dorman, Venable, Broadus, Gibson, Stephenson, Erskine, Clarke of Halifax, Smith of Isle of Wight, and Hodges.

A Committee to examine the Penitentiary—Messrs. Cox, Wade of Franklin, Burwell of Clarke and Warren, Stanger, Myers of Berkeley, Orgain and Hudnall.

A Committee to examine the Public Armory—Messrs. Hunter, Cropper, Smith of Russell, Sturm, Fox, White, Tayloe of Richmond and Lancaster, Tallman, Crafford, M'Millan, Staples, Griever, and Myers of Morgan.

A Committee to examine the Executive Expenditures for the current year—Messrs. Robertson, Stuart, Smith of Gloucester, Ridley, Carroll of Preston, Wright, and Clarke of Surry.

A Committee to examine the First Auditor's Office—Messrs. Fitzgerald, Armstrong, Coleman, Meredith, Snydor, Hiden and Quillen.

A Committee to examine the Second Auditor's Office—Messrs. Beard, Baskerville, Mitchell, Spotts, Fitzhugh, King, and Allen of Hampshire.

A Committee to examine the Clerk's Office—Messrs. Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Clayton, Prince, Guerrant, Scott of Marshall, and Alcshire.

A Committee to examine the Register's Office—Messrs. Jackson of Wood, Butts, Lockridge, Baker, Carroll of Grayson, Stanger and Bare.

A Committee to examine the Treasurer's Accounts—Messrs. Tayloe of King George, Allyn of Norfolk Borough, Clarke of Halifax, Cropper, M'Rae, Hale of Franklin, and Cardwell.

A Committee to examine the Bonds of Public Officers—Messrs. Seymour, Marshall, Roane, Worthington, Lee, Broadus and Baskerville.

A Committee to act jointly with a Committee from the Senate to examine the Public Library—Messrs. Tunstall, Corbin, Dorman, Burwell of Bedford, Massie, Ratcliffe and Ridley.

A Committee of Agriculture and Manufactures—Messrs. Wilson, M'Connell, Harrison, Marshall, Yerby, Kennedy, Fox, Haskins, Gibson, Cabell, Cox, Burwell of Clarke and Warren, and Erskine.

A Committee to examine the Enrolled Bills—Messrs. Cardwell, Wood, Reynolds, Mitchell, Conn, Yerby and Coleman.

A Committee to examine the Lunatic Asylums of the Commonwealth—Messrs. Leyburn, Stuart, Gregory, Baker, Harrison, Allyn of Norfolk Borough, Roane, Alderson, Tayloe of Richmond and Lancaster, and Whitworth.

On motion of Mr. CRUTCHFIELD, *Resolved*, That HUGH N. PENDLETON be appointed clerk to the committees of roads and internal navigation, and of schools and colleges.

On motion of Mr. SOUTHALL, *Resolved*, That FABIUS LAWSON be appointed clerk to the committees of privileges and elections, and of claims.

On motion of Mr. SMITH *of Isle of Wight*, *Resolved*, That THOMAS VANNERSON be appointed clerk to the committees of propositions and grievances, and of finance.

On motion of Mr. WILSON, *Resolved*, That JOHN N. SORRELL be appointed clerk of the committees of agriculture and manufactures, and on the militia laws.

On motion of Mr. MAY, *Resolved*, That PHILIP S. FRY be appointed clerk to the committee for courts of justice.

On motion of Mr. JACKSON *of Wood*, the house proceeded to the election of two doorkeepers. He nominated *Robert Bradley* and *William Chambers*; Mr. CORBIN nominated *Hamilton Dabney*; Mr. BUTTS nominated *Drewry Mathews*; Mr. ROBERTSON nominated *William S. Jeter*; Mr. FONTAINE nominated *Ammon Johnson*; Mr. COLEMAN nominated *William Brown*; and Mr. BROADUS nominated *William G. Allen*.

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On motion of Mr. DORMAN, the rule of the house requiring but one vacancy to be filled at the same time was suspended.

The clerk called the members, and the vote was,

For Robert Bradley—Messrs. Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Powell, Marshall, Scott of Fauquier, Alderson, Payne, Howell, Hale, Baker, Byrd, King, Butts, Taylor of Halifax, Clarke of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Orgain, Scott of Marshall, Taylor of Mathews and Middlesex, Baskerville, Myers of Morgan, Hodges, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, M'Connell, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Carroll, Venable, Roberts, Heath, Ratcliffe, Sturm, Robertson, Snyder, Leyburn, Smith of Rockingham, Shipman, Quillen, Bare, Conn, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Walker, Jackson of Wood, and Stanger.—103.

For William Chambers—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Powell, Marshall, Alderson, Payne, Howell, Hale, Baker, Byrd, King, Carroll, Taylor of Halifax, Clarke of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Ramey, Harrison, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Clayton, Evans, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, M'Connell, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Carroll, Venable, Roberts, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Quillen, Bare, Conn, Griever, Fitzhugh, Clarke of Surry, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger.—107.

For Hamilton Dabney—Messrs. Gilmer, (speaker,) M'Millan, Carroll, White, Beard, Evans, Massie, Dorman, Griever, Crutchfield and Goodson.—11.

For William G. Allen—Messrs. Thornburg, Broadus, Scott of Fauquier, Reynolds, Lipscomb, Banks, Smith of Mason and Jackson, Clayton and Walden.—9.

For Drewry Mathews—Messrs. Meredith, Butts, Heath, Ridley and Prince.—5.

For Ammon Johnson—Messrs. Roane and Fontaine.—2.

And for William Brown—Mr. Clayton G. Coleman.—1.

Thereupon ROBERT BRADLEY and WILLIAM CHAMBERS were declared duly appointed doorkeepers.

Mr. M'CONNELL presented a petition of Elbert H. Caldwell, complaining of the undue election and return of John Scott, as the delegate from the county of Marshall; which was ordered to be referred to the committee of privileges and elections.

Mr. WATTS presented a petition of William E. Cunningham, complaining of the undue election of Joseph T. Allyn, the delegate returned from the borough of Norfolk, together with sundry documents connected therewith; which were ordered to be referred to the same committee.

Mr. JACKSON *of Wood*, presented a petition of citizens of the counties of Wood, Lewis and Harrison, for the formation of a new county out of parts of said counties.

Mr. TAYLOE *of King George*, a petition of A. B. Hooe, praying the discontinuance of the ferry over the Potomac river from his land to Cedar point in Maryland.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. CRUTCHFIELD presented a memorial of the president and directors of the Rappahannock company, asking further aid for the completion of their improvement; which was ordered to be referred to the committee of roads and internal navigation.

Mr. MAY, according to order, presented a bill for the temporary relief of the banks of this commonwealth [No. 1.], which was read the first and second times; thereupon, the following was submitted as a substitute therefor by Mr. SMITH *of Isle of Wight*:

"*Be it enacted by the general assembly*, That so much of any act or acts as may subject any bank or banking company which has been heretofore incorporated by law and in actual operation as a bank, to a forfeiture of its charter for failing to pay or redeem its notes or debts in specie, shall be and the same is hereby suspended until the last day of the present session of the general assembly: *Provided*, That the operations of any such bank shall be confined to the renewal, and to the receiving of discounts and curtailments on the securities which it now holds; and to the discount of so much business paper not having more than sixty days to run, as shall not exceed fifty per cent. of its receipts per week, from the discounts and curtailments aforesaid: *And provided also*, That such bank shall make no dividends on its stocks unless at least ten days previous thereto it shall have *bona fide* resumed and continued the payment of its notes and debts in specie on demand.

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"*And be it further enacted*, That the general assembly reserves to itself the power of annulling or modifying the charter of any bank or banking company which has been or may be forfeited by virtue of the provisions of any act or acts hereby suspended, and of directing that the funds and effects of such bank shall be disposed of in the manner therein prescribed.

"This act shall commence and be in force from and after the passage thereof."

On motion of Mr. TAYLOR *of Halifax*, the ayes and noes upon the adoption of the said substitute were ordered.

AYES—Messrs. Carpenter, Hannah, Meredith, Thornburg, Powell, Howell, Baker, King, Carroll of Grayson, Taylor of Halifax, Clarke of Halifax, Lee, Smith of Isle of Wight, Wright, Fontaine, Lawson, Lipscomb, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Aleshire, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Bare, Conn, Griever, Ridley, Clarke of Surry, Prince and Stanger.—35.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Byrd, Butts, Gibson, Allen of Hampshire, White, Seymour, Armstrong, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Orgain, Banks, Scott, Smith of Mason and Jackson, Baskerville, Evans, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, Hiner, May, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Rockingham, Shipman, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Walker, and Jackson of Wood.—86.

The said bill was then amended on motion of Mr. SMITH *of Isle of Wight*, and as amended ordered to be engrossed and read a third time.

The speaker submitted a communication from JOHN BROCKENBROUGH, the president of the Bank of Virginia, assigning the reasons for the suspension of specie payments by the said bank; which on motion of Mr. RATCLIFFE was laid upon the table and ordered to be printed. [Doc. No. 6.]

The speaker submitted a communication from the auditor of public accounts, transmitting a report and a partial revision of the revenue laws; which on motion of Mr. RATCLIFFE was laid upon the table and ordered to be printed. [Doc. No. 5.]

On motion of Mr. VENABLE, *Resolved*, That a committee be appointed to examine into the propriety of making some alterations in this hall, with a view to promote the convenience of members, and that said committee have leave to report by bill or otherwise. *Committee*—Messrs. Venable, Dorman, Robertson, Cardwell, Gregory and Crutchfield.

On motion of Mr. CLARKE *of Surry*, the house then adjourned.

WEDNESDAY, DECEMBER 4, 1839.

The speaker submitted a communication from the governor transmitting statements shewing the condition of the Bank of the Valley on the 18th of October and 23d of November last, and a quarterly statement of the condition of the Exchange bank on the 1st day of October last; which on motion of Mr. DORMAN was laid upon the table and ordered to be printed. [Doc. No. 7.]

The speaker submitted the following letter from the second auditor, which was read, and on motion of Mr. DORMAN ordered to be laid upon the table:

SECOND AUDITOR'S OFFICE, 3RD DECEMBER, 1839.

SIR,—I am instructed by the Board of public works to state for the information of the house of delegates that the 24th annual report of the board, and the second auditor's report of the accounts of the Fund for internal improvement for the last fiscal year have been prepared, and 300 copies of the same printed and deposited in this office in conformity to a resolution of the general assembly of the 19th March last, and that the requisite number of copies has been delivered to the proper officers of the house for distribution amongst its members.

With great respect, your obedient servant,

J. BROWN, JR., *Second Auditor.*

To the honourable the Speaker of the House of Delegates.

The speaker also submitted a letter from the clerk of the house, transmitting an abstract from the reports of the clerks of the court of appeals and of the circuit superior courts of law and chancery, exhibiting the actual state of the suits instituted within their respective courts, and the number of days the courts were in session during the year ending the 30th of August last; which on motion of Mr. MAY was laid upon the table and ordered to be printed. [Doc. No. 8.]

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On motion of Mr. GREGORY, *Resolved*, That the committee for courts of justice be instructed to enquire into the propriety of fixing by law the amount to be taxed in the bill of cost as the attorney's fee for motions on forthcoming bonds, and that said committee report by bill or otherwise.

Resolved, That the same committee enquire into the expediency of amending an act, entitled, "an act to prevent killing of deer within certain periods," passed March 3d, 1831, and report by bill or otherwise.

On motion of Mr. WATTS, *Ordered*, That leave be given to bring in a bill to authorize the court of Norfolk county to run the public ferries in charge of said court over the Elizabeth river and its branches by an agent, and to borrow a limited sum of money for that purpose, and that Messrs. Watts, Etheridge, Hodges, Allyn of Norfolk borough, Roberts, Harrison and Ridley bring in the same.

On motion of Mr. CRUTCHFIELD the letter of the clerk of the house presented on the first day of the session relative to the repairs in the hall, was taken up, and together with the accounts therein mentioned, ordered to be referred to the committee raised on yesterday relative to other alterations in the hall, and said committee were instructed to enquire into the propriety of allowing some compensation to the clerk for his superintendence of the said repairs.

Mr. LEE presented a petition of citizens of the counties of Harrison, Wood, Lewis and Tyler, for the formation of a new county out of parts of said counties, together with sundry documents upon the same subject.

Also a petition of citizens of the county of Harrison for the establishment of a separate election in said county.

Mr. M'CONNELL a petition from J. M'Muny and others asking for the incorporation of the town of Triadelphia.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. SOUTHALL presented a petition of the agricultural society of Albemarle for the establishment of a board of agriculture for the commonwealth, which was ordered to be referred to the committee of agriculture and manufactures.

Mr. M'CONNELL also presented a petition of the trustees of the West Liberty academy asking for a loan to that institution, which was ordered to be referred to the committee of schools and colleges.

Mr. STEPHENSON presented a petition of Thomas Prickett praying to be divorced from his wife.

Mr. VENABLE a petition of Jeunetta P. Allen praying to be divorced from her husband.

Mr. RIDLEY a petition of Asahel Joyner asking to be divorced from his wife.

Mr. SCOTT *of Fauquier* a petition of the Fauquier and Alexandria turnpike company praying that the operation of the act of 1834 on the subject of lotteries may be suspended so far as it restrains the company from drawing the lottery granted them by an act of assembly passed in 1829.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. BURWELL *of Clarke and Warren* presented a petition of citizens of the counties of Frederick and Clarke asking the extension of the Northwestern turnpike road from the eastern termination of said road to the town of Berryville, which was ordered to be referred to the committee of roads and internal navigation.

Mr. LEE presented a petition of Squier Sayre asking compensation for the loss sustained by him by the destruction of his mill and other property on Middle Island creek in the county of Harrison, occasioned by the bridge across said creek attached to the Northwestern turnpike having been swept by a freshet against said mill; which was ordered to be referred to the committee of claims.

No. 1. An engrossed bill for the temporary relief of the banks of this commonwealth was taken up and read a third time; thereupon a clause by way of ryder thereto was submitted by Mr. MAY, which being twice read was amended on motion of Mr. SMITH *of Isle of Wight*, and as amended engrossed and read a third time.

The question being upon the passage of the said bill and ryder, the ayes and noes were ordered on motion of Mr. SMITH *of Isle of Wight*.

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, Butts, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Taylor of King George, Taylor of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Baskerville, Clayton, Evans, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Roberts, Heath, Walden, Robertson, Leyburn, Dorman, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Walker, and Jackson of Wood.—83.

NOES—Messrs. Carpenter, Hannah, Thornburg, Coleman, Cox, Powell, Howell, King, Carroll of Grayson, Taylor of Halifax, Clark of Halifax, Lee, Armstrong, Smith of Isle of Wight, Gregory, Wright, Fontaine, Lipscomb, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Chapman, Wade of Montgomery and Pulaski, Hudnall, Hiden, Aleshire, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Bare, Conn, Griever, Ridley, Clarke of Surry, Prince and Stanger.—40.

Resolved, That the bill with the ryder do pass, and that the title be "an act for the temporary relief of the banks of this commonwealth."

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Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

On motion of Mr. WILSON, *Resolved*, That the committee on agriculture and manufactures be instructed to enquire into the expediency of incorporating the Dutoy and Powhatan coal companies, and that they have leave to report by bill or otherwise.

Resolved, That the same committee be instructed to enquire into the expediency of incorporating the Ligon coal mining company, and that they have leave to report by bill or otherwise.

On motion of Mr. HUNTER the rule of the house limiting the number of the committee of roads and internal navigation was suspended for the purpose of adding one member to said committee.

The speaker deferred announcing the said member till to-morrow.

Mr. CHAPMAN submitted the following resolution: *Resolved*, That this house, by joint vote with the senate, will proceed on Monday next to the election of a senator of the United States, to supply the vacancy occasioned by the expiration of the term of service of William C. Rives, esq.

On motion of Mr. CRUTCHFIELD the same was ordered to be laid upon the table.

On motion of Mr. ETHERIDGE, *Resolved*, That the committee on the militia be instructed to enquire into the expediency of changing the place of training of the officers of the 95th regiment of Virginia militia, and that they have leave to report by bill or otherwise.

On motion of Mr. ROBERTSON, *Resolved*, That this house will on to-morrow proceed by joint vote with the senate to the election of a public printer.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. CLAYTON submitted the following resolution, which on motion of Mr. SMITH *of Isle of Wight*, was laid upon the table:

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of forming a new county out of parts of the counties of Monongalia and Harrison according to the metes and bounds designated in a document accompanying the application made to the general assembly, and on file in the office of the clerk of this house, and that they have leave to report by bill or otherwise.

Mr. MAY submitted the following resolution, which on motion of Mr. STEPHENSON was ordered to be laid upon the table:

Resolved, That the committee of roads and internal navigation be instructed not to report any bill or resolution which shall have for its object to pledge the commonwealth or board of public works to subscribe for new stock in any incorporated company, or to enter into any new engagement which shall require the borrowing of money on the credit of the state.

On motion of Mr. DORMAN, *Resolved*, That *George W. Munford, esq.* employ, for the service of the house of delegates, two boys, whose compensation shall not exceed two dollars per day each, whilst in the actual service of the house.

Mr. GREGORY submitted the following resolution, which on motion of Mr. BAYLY was ordered to be laid upon the table:

Resolved, That the committee for privileges and elections be instructed to enquire into the expediency of changing the time of holding the election for members of the state legislature and of congress in the counties of James City and York and the city of Williamsburg, so as to permit the elections in those two counties and city to be holden on the respective court days in the month of April, instead of the time now prescribed by law, and that said committee have leave to report by bill or otherwise.

On motion of Mr. CRUTCHFIELD, *Resolved*, That the committee raised on yesterday to enquire into the propriety of making alterations in the hall be instructed to authorize the clerk of the house to cause to be made such alterations as they may deem expedient.

On motion of Mr. ROBERTSON, *Resolved*, That the committee of agriculture and manufactures enquire into the expediency of so amending the charter of the Belle Isle manufacturing company as to authorize an increase of the number of the directors of that company.

Resolved, That the committee on the militia laws enquire into the expediency of establishing a grenadier company in the city of Richmond.

On motion of Mr. SCOTT *of Fauquier*, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of extending the time for receiving subscriptions for the capital stock of the Falmouth and Alexandria rail-road company, and that they have leave to report by bill or otherwise.

Mr. ROBERTSON presented a petition of the president, directors and company of the Richmond, Fredericksburg and Potomac rail-road company, praying some amendment of the act of April 6, 1839, and certain modifications of their charter.

Mr. RAMEY a petition of citizens of the county of Loudoun praying the passage of a special road law for said county.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. ROBERTSON presented a petition of the Dover coal mining company, praying authority to engage in the manufacture of iron, and also an increase of their capital stock, which was ordered to be referred to the committee of agriculture and manufactures.

On motion of Mr. VENABLE the house then adjourned.

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THURSDAY, December 5, 1839.

Ordered, That Mr. Gibson be added to the committee of roads and internal navigation.

A message from the senate by Mr. Peyton:

Mr. Speaker,—The senate agree to the resolution for proceeding on this day to the election of a public printer.

On motion of Mr. Robertson the house proceeded to execute the joint order of the day; thereupon he nominated Samuel Shepherd, and the senate being informed thereof by him, and no person being added to the nomination in that house, the names of the members were called and the vote was,

For Mr. Shepherd—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Powell, Marshall, Alderson, Payne, Howell, Hale, King, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, M'Connell, Aleshire, Hiner, May, Keen, Tallman, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger.—118.

Ordered, That Messrs. Robertson, Watts, Carpenter, Hannah, Lipscomb and Ridley be a committee to act jointly with a committee from the senate to ascertain the joint vote.

Mr. Robertson reported that the joint vote was for Samuel Shepherd 142, scattering 1; thereupon Samuel Shepherd was declared duly elected public printer.

On motion of Mr. Taylor *of Halifax*, *Resolved*, That the committee on lunatic hospitals be instructed to enquire into the expediency of increasing the number of cells, or otherwise enlarging the lunatic hospitals of this commonwealth, and that they report by bill or otherwise.

On motion of Mr. Scott *of Marshall*, *Resolved*, That the committee of propositions and grievances be instructed to enquire into the expediency of passing an act authorizing Thomas and Ephraim Pollock to establish a ferry across the Ohio river about four miles below the mouth of Fish creek, and to report by bill or otherwise.

Mr. Scott *of Marshall*, also presented a petition of citizens of the county of Marshall in favour of the establishment of the said ferry; which was ordered to be referred to the said committee.

On motion of Mr. Worthington, *Resolved*, That the committee for courts of justice enquire into the necessity of a further provision by law for the punishment of free persons charged with poisoning, or with an attempt to poison.

On motion of Mr. Gibson, *Resolved*, That the committee for courts of justice enquire into the expediency of repealing the 20th section of the act passed the 15th March 1838, entitled "an act to amend an act, entitled 'an act to amend and explain the laws concerning western land titles and for other purposes.'"

Mr. Fontaine presented a petition of citizens of the county of King William asking for the removal of their courthouse.

Mr. M'Rae a petition of Abigail Mayo praying an increase of the tolls on her bridge across James river between Richmond and Manchester.

Mr. M'Connell a petition of citizens of the city of Wheeling asking the passage of an act to incorporate a fire and marine insurance company.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. Taylor *of Halifax* presented a petition of citizens of the county of Halifax for authority to establish a volunteer company upon certain conditions; which was ordered to be referred to the committee on the militia laws.

Also a petition of William Drummond and Elizabeth Overby praying the passage of an act changing the names of John J. Overby and Jonah Overby to John J. and Jonah Drummond.

Mr. Chapman a petition of the judge and members of the bar of the circuit superior court of law and chancery for the county of Greenbrier praying a change in the time of holding said court.

Mr. Clayton a petition of citizens of the county of Monongalia praying that the power heretofore conferred on the judges to affix additional punishment to that inflicted by the jury in criminal cases may be abrogated.

Mr. M'Connell a petition of Virginia F. E. Crawford praying to be divorced from her husband.

Mr. Byrd a petition of Richard K. Meade and others that the circuit court of Frederick county may be authorized to change the mode of investing the proceeds of the sales of certain estate of Cornelia Hopkins.

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Also an order of court of the corporation of Winchester asking for the passage of an act to change the day now fixed by law for holding the said court to the first Thursday in every month.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. WATTS presented a petition of R. G. Baylor, sheriff of Norfolk county, praying that he may return his list of land and lots delinquent for 1838, at the time of making his return for the present year, which was ordered to be referred to the committee of finance.

Mr. BYRD presented a petition of Caleb Tanzey, contesting the election of James Clayton, one of the returned members from the county of Monongalia, which was ordered to be referred to the committee of privileges and elections.

Also a petition of citizens of the county of Frederick for the construction of a road from the town of Winchester to Bath in the county of Morgan, which was ordered to be referred to the committee of roads and internal navigation.

A motion was made by Mr. VENABLE that the house adopt the following resolution:

Resolved, That the committee of privileges and elections be instructed to enquire into the propriety of holding the elections for members of the general assembly and members of congress throughout the state on the court days in April in each year.

On motion of Mr. GREGORY the ayes and noes were ordered, and the question upon the adoption of the resolution was determined in the affirmative.

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Meredith, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Byrd, Butts, White, Seymour, Lee, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Lipscomb, Orgain, Baskerville, Goode, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hiden, Alcshire, Tunstall, Keen, Tallman, Venable, Roberts, Heath, Walden, Robertson, Leyburn, Dorman, Ridley, Crutchfield, Clarke of Surry, Prince, Stephenson and Walker.—71.

NOES—Messrs. Wood, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, King, Carroll of Grayson, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Armstrong, Worthington, Kennedy, Fontaine, Ewing, Lawson, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Hudnall, Hiner, May, Carroll of Preston, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Fitzhugh, Spotts, Goodson, Jackson of Wood, and Stanger.—52.

The speaker laid before the house a communication from the treasurer relative to the subscriptions and payments to the banks made by him as treasurer, on behalf of the state, under the acts of the 19th of March 1839, and the 4th of April 1839, which on motion of Mr. DORMAN, was laid upon the table and ordered to be printed. [Doc. No. 9.]

The speaker laid before the house a communication from the governor transmitting a letter from the president of the Bank of Virginia, covering a general statement of the condition of that bank on the second instant, which on motion of Mr. HINER, was laid upon the table and ordered to be printed.—[Doc. No. 10.]

On motion of Mr. RATCLIFFE, *Resolved*, That the committee for courts of justice be instructed to enquire into the propriety of repealing the act, entitled "an act concerning apprentices bound out by overseers of the poor," passed April 6th, 1839, and that they have leave to report by bill or otherwise.

Mr. MAY presented a petition of Lillburn Pleasants, praying the passage of an act to discharge him from confinement in the penitentiary, which was ordered to be referred to the committee for courts of justice.

On motion of Mr. MAY, the following was ordered to be added to the 28th rule of the house:

"And a committee on banks, consisting of not less than seven nor more than eleven members."

A motion was made by Mr. MAY that the following be added to the 12th rule:

"No member shall be permitted to draw any mileage for returning home before the adjournment of the legislature, unless he shall have obtained leave of absence for the remainder of the session."

A motion was made by Mr. JACKSON *of Wood* that the said proposition be laid upon the table, and the question being put thereupon was determined in the negative.—Ayes 22, noes 97.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes were ordered:

AYES.—Messrs. Gilmer, (speaker,) Lockridge, Hannah, Jackson of Braxton and Lewis, Burwell of Clarke and Warren, Alderson, Howell, Hale, King, Seymour, Ramey, Chapman, Allyn of Norfolk borough, Watts, Etheridge, Roberts, Robertson, Dorman, Smith of Russell, Quillen, Stephenson, and Jackson of Wood.—22.

NOES.—Messrs. Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Broadus, Wilson, Whitworth, Roane, Powell, Marshall, Scott of Fauquier, Payne, Baker, Byrd, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Wright, Tay-

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loe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Harrison, Lipscomb, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Yerby, Hudnall, Hiden, Alesbire, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Smith of Rockingham, Shipman, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson, Walker and Stanger.—97.

The proposition to amend the rule was then adopted.

Mr. WATTS according to order presented a bill to authorize the court of Norfolk county to run the ferries of said county by an agent, which was received and laid upon the table.—[No. 2.]

On motion of Mr. TAYLOR *of Halifax* the house adjourned.

FRIDAY, DECEMBER 6, 1839.

On motion of Mr. DORMAN the auditor's annual communication and his report on the revenue laws was taken up and ordered to be referred to the committee of finance.

On motion of Mr. POWELL, *Ordered*, That leave be given to Charlotte F. Helm to withdraw her petition presented to the last general assembly.

On motion of Mr. POWELL, *Resolved*, That the committee for courts of justice be required to enquire into the expediency of extending to the circuit superior courts of law and chancery of this commonwealth appellate jurisdiction over all cases of which the county and corporation courts have jurisdiction, and that it report by bill or otherwise.

A motion was made by Mr. GREGORY that the house adopt the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the propriety of providing by law for the appointment of a suitable person by the legislature whose duty it shall be to draft all bills which may be ordered by the committees of this house to be brought in, and if it be the opinion of the committee that such person should be appointed, that they fix the salary of said officer, and that said committee report by bill or otherwise.

And the question being put thereupon was determined in the negative.

Mr. GREGORY submitted the following resolution, which on motion of Mr. SMITH *of Isle of Wight* was laid upon the table.

Resolved, That the committee of finance be instructed to enquire into the expediency of raising the salary of the governor of this commonwealth.

Mr. GREGORY submitted the following resolution, which on motion of Mr. DORMAN, was laid upon the table:

Resolved, That the committee of finance be instructed to enquire into the expediency of raising the salary of the judges of this commonwealth.

Mr. GREGORY also submitted the following resolution, which was laid upon the table upon motion of Mr. SMITH *of Isle of Wight*:

Resolved, That the committee of finance be instructed to enquire into the expediency of increasing the pay of the members of the general assembly.

Mr. MARSHALL submitted the following resolution, which on motion of Mr. SMITH *of Isle of Wight* was laid upon the table:

Resolved by the general assembly, That the board of public works cause a survey to be made by the principal or some other engineer of the most suitable route for a road from Berry's ferry to intersect the Staunton road at or near Middletown, and to report what public advantages will result therefrom, and the probable cost of constructing the same.

Mr. TOLER submitted the following resolution, which on motion of Mr. DORMAN was ordered to be laid upon the table:

Resolved by the general assembly, That the interests of this commonwealth, as a stockholder in the James river and Kanawha company, require that no farther contracts for the prosecution of that work above the town of Lynchburg shall under present circumstances be made by the president and directors of said company; and that the proxy of the state be instructed to vote in the general meetings of the stockholders against entering into any new contracts, to be paid in the scrip of the company, until the current price of such scrip in the market shall be at par.

On motion of Mr. SMITH *of Isle of Wight*, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of providing by law that it shall be the duty of the highest civil, and of the highest criminal court of this commonwealth, to report to the general assembly at the commencement of their annual session, the new principles or points of law involved in their decisions or judgments rendered during the

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preceding year, to be printed and distributed with the sessions acts. And also that the said courts report any omission or imperfection of the laws by which in their opinion the speedy and impartial administration of justice may be obstructed.

On motion of Mr. SOUTHALL, *Resolved by the general assembly*, That our senators in congress be instructed and our representatives requested to use their best exertions to procure from congress an additional appropriation of land, to satisfy the outstanding military bounty land warrants issued under authority of this commonwealth to the officers and soldiers of the revolution, or their legal representatives.

Resolved, That the governor of the commonwealth be requested to transmit a copy of the above resolution to each of our senators and representatives in the congress of the United States.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes upon the adoption of the first resolution were ordered.

AYES.—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Crafford, Roane, Powell, Marshall, Scott of Fauquier, Alderson, Payne, Howell, Hale, Baker, Byrd, King, Smith of Gloucester, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Gregory, Worthington, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, M'Connell, Hiden, Aleshire, Hiner, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Walden, Robertson, Snyder, Leyburn, Dorman, Shipman, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Walker, Jacksen of Wood, and Stanger.—144.

And Mr. Smith of Isle of Wight voted in the negative.—1.

Messrs. May, Fontaine, Massie and Whitworth were excused from voting.

Ordered, That the clerk communicate the said resolutions to the senate and request their concurrence.

On motion of Mr. RAMEY, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of furnishing the mayors and recorders of the incorporated towns of this commonwealth with copies of the laws as justices of the peace are now furnished with the same, and that said committee have leave to report by bill or otherwise.

On motion of Mr. WORTHINGTON, *Resolved*, That the committee of agriculture and manufactures enquire into the expediency of so amending the act passed March 24th, 1837, incorporating the Madison manufacturing company as to extend the time for receiving subscriptions to the capital stock of said company, and to increase the maximum sum of the capital stock thereof.

On motion of Mr. TALLMAN, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of so amending the act, entitled "an act declaring Greenbrier river a public highway," passed February 13th, 1838, as to declare the said river a public highway to the forks thereof at Jacob Slaven's in the county of Pocahontas, near the Staunton and Parkersburg turnpike, and that they have leave to report by bill or otherwise.

On motion of Mr. LEE, *Resolved*, That the committee of roads of internal navigation be instructed to enquire into the expediency of providing by law for giving to the owners of mill-dams on Simpson's creek in the county of Harrison, further time to comply with the requisitions of the act passed on the 19th day of March 1838, entitled "an act declaring Simpson's creek a public highway."

On motion of Mr. HUNTER, *Resolved*, That the committee for courts of justice enquire into the expediency of amending the laws of this commonwealth in relation to the arrest and detention of persons charged with the commission of crimes without the jurisdiction of this state.

On motion of Mr. MAY, *Resolved*, That the committee of agriculture and manufactures be instructed to enquire into the expediency of incorporating the Clover Hill coal mining company in the county of Chesterfield.

The speaker announced the following as the

Standing Committee on Banks—Messrs. Venable, Robertson, Goode, Crutchfield, Gibson, Clark of Halifax, May, Byrd, Toler, M'Connell, and Smith of Isle of Wight.

On motion of Mr. VENABLE, *Resolved*, That *Byrd Chamberlayne* be appointed clerk to the said committee.

On motion of Mr. VENABLE, *Resolved*, That so much of the governor's message as relates to the banks and the subject of banking, be referred to the said committee.

On motion of Mr. GOODE, *Resolved*, That so much of the governor's message as relates to schools and colleges and literary purposes, be referred to the committee of schools and colleges.

On motion of Mr. MITCHELL leave was granted to William George to withdraw his petition presented to the last general assembly.

Mr. VENABLE presented a petition of Samuel Lyle and others, praying the passage of an act to legalize

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and confirm titles to lots in the town of Farmville, sold from the lands of St. George Randolph under the provisions of an act of assembly.

Mr. Goode a petition of Samuel Daly, for authority to convey a legal title to certain lands.

Mr. Stanger a petition of citizens of the county of Wythe, for such an amendment of the act relating to western land titles as will authorize the register to receive all entries and surveys from the county of Wythe, accompanied with the affidavit of the deputy surveyor of the county who was in office at the time of the passage of the act.

Mr. Heath a petition of George K. Taylor, administrator of George E. Harrison, deceased and others, for the passage of an act declaratory of certain duties of the said administrator respecting the estate of the decedent.

Mr. Broadus a petition of the bar of the circuit superior court of Culpeper county, asking that the time of holding said court may be changed.

Mr. Thornburg a petition of Joel Ferguson praying to be divorced from his wife.

Mr. Robertson a petition of John S. Gatewood praying to have refunded to him a sum of money received for certain lands of his ancestor escheated to the commonwealth and sold by order of the executive.

Mr. Baskerville a petition of the officers and others of the circuit court of Mecklenburg county asking that the time of holding said court may be changed.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. M'Connell presented a petition of Joseph Caldwell for authority to erect wharves on his land laid out into town lots on the Ohio river adjoining South Wheeling.

Also a petition of Samuel Irwin, for the privilege of erecting wharves on his property in the city of Wheeling.

Mr. Wade *of Montgomery* a petition of Creed Taylor asking that the line dividing the county of Pulaski from the county of Montgomery may be so changed as to leave the petitioner in the county of Montgomery, and stating that he was a magistrate in the county of Montgomery before the division of that county, and after the division was commissioned a justice of the peace in the county of Pulaski, and praying that he may be reinstated in his commission in the county of Montgomery, and authorized to hold his relative place in respect to seniority as if he had never been detached from that county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. M'Connell presented a petition of Thomas H. List and others asking for a modification of the act passed in 1830 for opening and improving a road from the Pennsylvania line by Elizabethtown to the Ohio river, which was ordered to be referred to the committee of roads and internal navigation.

Mr. Wilson according to order presented a bill to incorporate the Dutoy and Powhatan coal companies.—[No. 3.]

And a bill to incorporate the Ligon coal mining company; [No. 4] which were read the first and ordered to be read a second time.

A bill to authorize the court of Norfolk county to run the ferries of said county by an agent [No. 2] was taken up, read the first and second times, and by general consent ordered to be engrossed and read a third time.

On motion of Mr. Carroll *of Preston* the house adjourned.

SATURDAY, December 7, 1839.

The speaker laid before the house a communication from the governor transmitting a letter from the president of the Farmers Bank of Virginia, with a general statement of the condition of that bank on the second instant; which on motion of Mr. Venable was laid on the table and ordered to be printed.—[Doc. No. 11.]

On motion of Mr. Alderson, *Resolved*, That the committee for courts of justice enquire into the expediency of authorizing the county courts of Fayette and Nicholas to appoint three persons in each county to solemnize the rites of matrimony under the existing laws, and that they report by bill or otherwise.

Mr. Scott *of Marshall* submitted the following resolution, which on motion of Mr. Goode was laid upon the table:

Resolved, That the committee of schools and colleges be instructed to take that part of the governor's message relative to education into consideration at the earliest moment, and report such changes in the common school system as they may deem proper and expedient.

On motion of Mr. Flood, *Resolved*, That the committee on the militia laws enquire into the expediency of repealing the proviso of the 65th section of the act for the better organization of the militia, passed 8th of March 1834.

A motion was made by Mr. Fontaine that the house adopt the following resolution:

Resolved, That the committee on the militia laws enquire into the expediency of repealing so much of the

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militia laws revised in 1834 as relates to the training of officers and holding of musters, and in lieu thereof requiring the field officers and staff, with the commissioned officers and sergeants of each company in every regiment, and the commissioned officers and sergeants of the volunteer companies attached thereto to assemble once in every year at some place to be selected by the votes of a majority of said officers, and there to be trained and instructed agreeably to the mode prescribed by congress; each officer to be furnished with muskets and accoutrements at the expense of the state, to be handed over to his successors. And that the generals of brigade be required to attend one such training in every year with a different regiment until he has trained with all the regiments in his command, then commencing with the first, and so on in rotation; each officer to be allowed the sum of per diem. And further that said committee enquire into the expediency of abolishing all company, battalion and regimental musters except the spring company musters, and in lieu thereof that each man between the ages of 18 and 45 be required to pay the sum of to be collected in the same manner that other militia fines are now collected, and to be appropriated to the payment of the per diem allowance of the officers aforesaid.

The said resolution was rejected.

On motion of Mr. JACKSON *of Wood*, *Resolved*, That the report of the board of public works be referred to the committee of roads and internal navigation, and that said committee enquire what further provision is necessary to be made by law for the completion of the Northwestern turnpike road.

Mr. M'RAE submitted the following resolution:

Resolved, That the committee on banks be instructed to inquire into the causes which led to the recent suspension of specie payments by certain banks of this state, that said committee enquire into the condition and management of such banks, and the nature and measure of relief if any which it is proper to afford them.

A motion was made by Mr. JACKSON *of Wood* to amend the same by adding thereto the folllowing: "And that they also enquire how far the issue of bills over one and under five dollars will have a tendency to prevent or promote such a suspension in future."

On motion of Mr. VENABLE the resolution and proposed amendment were laid upon the table.

On motion of Mr. M'RAE, *Resolved*, That all communications and documents now in the possession of the house relative to the present condition of the banks be referred to said committee.

Mr. ARMSTRONG presented a petition of Henry Hays of the county of Harrison praying to be allowed a pension for services rendered by him as an Indian spy.

Mr. MITCHELL a petition of William George for the remission of a fine imposed on him by the superior court of Bedford county for retailing ardent spirits without license.

Mr. BURWELL *of Clarke and Warren* a petition of Philip Nelson stating that in the year 1780 a resolution was adopted by the legislature authorizing money to be borrowed for the use of the state, that general Thomas Nelson loaned the state a sum of money from funds in his hands belonging to the estate of Robert Carter Burwell, whose executor he was, and that the said money has never been repaid either to general Nelson or Nathaniel Burwell, the heir and legatee of the said Robert C. Burwell, and praying payment of the claim.

Ordered, That the said petitions be referred to the committee of claims.

Mr. ALDERSON presented a petition of citizens of the county of Nicholas for an additional appropriation of money to complete the road leading from Huntersville in the county of Pocahontas to Summersville in Nicholas county, which was ordered to be referred to the committee of roads and internal navigation.

Mr. HUDNALL presented a petition of James M. Smith for the passage of an act authorizing him to erect a wharf on the east side of Coan river in the county of Northumberland.

Mr. POWELL a petition of Charles Murray for the passage of an act against the location of any grave yard within a given distance of any inhabited and improved premises.

Mr. CLARK *of Halifax* a petition of citizens of the county of Halifax for the establishment of a precinct election in said county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. POWELL presented a petition of Charlotte F. Helm asking to be divorced from her husband

Mr. CABELL a petition of citizens of the counties of Amherst, Campbell and Buckingham praying the passage of a law changing the time of holding the superior courts of law and chancery for the county of Amherst.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. GREGORY submitted the following resolution, which on motion of Mr. GOODE, was ordered to be laid upon the table:

Resolved, That the committee on banks be instructed to enquire into the expediency of chartering banks without requiring of them a specie basis for their notes.

Mr. ALLYN *of Norfolk borough* presented a petition of the Exchange Bank of Virginia, asking that some protection be granted to the institution against the demands of brokers and money changers, and that permission may be granted the bank to issue notes of the denomination of five dollars; which on his motion was referred to the committee on banks and ordered to be printed.—[Doc. No. 12.]

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On motion of Mr. Fox, the fifth rule of the house was suspended, and the vote rejecting the resolution submitted by Mr. Fontaine was reconsidered; thereupon on motion of Mr. Taylor *of King George*, the following was adopted as a substitute therefor:

Resolved, That the committee on the militia laws be instructed to enquire into the expediency of revising or amending the existing militia laws.

And the resolution as thus amended was adopted.

On motion of Mr. Cox, *Resolved*, That the committee of agriculture and manufactures be instructed to enquire into the expediency of reviving the act incorporating the Huguenot coal mining and iron manufacturing company, and that they have leave to report by bill or otherwise.

On motion of Mr. Ramey, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of prohibiting by law the employing of slaves, free negroes or mulattoes at public ferries within this commonwealth across the Potomac or Ohio rivers, and the landing of slaves, free negroes or mulattoes on the Virginia shore of either of said rivers when they may be employed in any way whatever on public ferry boats.

On motion of Mr. Powell, *Resolved*, That the committee for courts of justice be required to enquire into the expediency of so amending the laws of this commonwealth in relation to the issuing and renewing of executions issued by justices of the peace on judgments granted by them upon warrants prohibiting any justice of the peace of this commonwealth from issuing or renewing executions on any judgments upon which an execution has been previously issued without due return having been endorsed thereon by the proper officer, and that said committee report by bill or otherwise.

No. 2. An engrossed bill to authorize the court of Norfolk county to run the ferries of said county by an agent, was read a third time; thereupon a clause by way of ryder was added on motion of Mr. Etheridge, which being twice read and forthwith engrossed, the bill and ryder were passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. Bayly, from the committee for courts of justice, presented the following bills which were subsequently read the first and ordered to be read a second time:

No. 5. A bill concerning the killing of deer.

No. 6. A bill discharging Lillburn, otherwise called Lillburn Pleasants from the penitentiary.

No. 7. A bill divorcing Virginia F. C. Crawford from her husband William A. R. Crawford.

No. 8. A bill changing the time of holding the corporation court for the town of Winchester; and

No. 9. A bill concerning attorneys' fees.

On motion of Mr. Byrd, the bill [No. 8.] changing the time of holding the corporation court for the town of Winchester, was read a second time, forthwith engrossed and read a third time and passed.

Ordered, That Mr. Byrd carry the same to the senate and request their concurrence.

Mr. Watts from the committee on the militia laws presented the following bill:

No. 10. A bill to change the place of the training of the officers of the 95th regiment of Virginia militia.

The same was read the first and ordered to be read a second time.

No. 3. A bill to incorporate the Dutoy and Powhatan coal companies; and

No. 4. A bill to incorporate the Ligon coal mining company, were severally read the second time and ordered to be engrossed and read a third time.

On motion of Mr. Crutchfield the house adjourned.

MONDAY, December 9, 1839.

A communication was received from the senate by their clerk:

IN SENATE, December 7, 1839.

The senate have agreed to the resolutions for an additional appropriation of land to satisfy the military bounty land warrants granted by Virginia to the officers and soldiers of the revolution.

Mr. Wilson from the committee of agriculture and manufactures presented the following bill:

No. 11. A bill to revive the act incorporating the Huguenot coal mining and iron manufacturing company.

The same was read the first and on his motion the second time, and by general consent ordered to be engrossed and read a third time.

Mr. May from the committee for courts of justice presented a report on the resolution in relation to apprentices bound by overseers of the poor.

And the following bill No. 12. A bill changing the time of holding the fall term of the circuit superior court of Culpeper.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented the following bill:

No. 13. A bill to authorize a separate election at Milford in the county of Harrison.

Which report and bills were received and laid upon the table.

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No. 3. An engrossed bill to incorporate the Dutoy and Powhatan coal companies was read a third time, and on motion of Mr. MAY ordered to be laid upon the table.

On motion of Mr. STEPHENSON, *Resolved*, That the committee of schools and colleges be instructed to enquire into the expediency of providing by law for paying to the school commissioners of the counties west of the Blue Ridge the nett proceeds of all lands which may have been sold or which may be hereafter sold pursuant to the provisions of an act of the general assembly passed March 30th, 1837, entitled "an act to amend and explain the act concerning western land titles and for other purposes;" the said proceeds to be expended by the said commisssioners in the erection of school houses of a permanent character in their respective counties.

On motion of Mr. HUNTER, *Resolved*, That the committee for courts of justice enquire into the expediency of so amending an act passed March 15th, 1832, entitled "an act providing for special courts of appeals," so as to reconcile the conflicting provisions of said act in reference to the time of meeting of said courts.

On motion of Mr. SOUTHALL, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of lessening the number of quarterly terms of the county courts of this commonwealth, and of providing for process in such courts to be returnable to rules as in the circuit superior courts.

On motion of Mr. BYRD, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of prohibiting by law the practice of betting upon elections, and to report by bill or otherwise.

On motion of Mr. GIBSON, *Resolved*, That the committee of roads and internal navigation enquire into the expediency of repealing the proviso contained in the act, entitled "an act to provide for the construction of the Northwestern turnpike road," passed January 26th, 1839, and that they report by bill or otherwise.

On motion of Mr. SMITH *of Isle of Wight*, *Ordered*, That the committee of propositions and grievances be discharged from the consideration of the petition of J. M'Muny and others citizens of the county of Ohio, for the incorporation of the town of Triadelphia, and that the same be referred to the committee for courts of justice.

Mr. BYRD presented a petition of Obed Waite and others of the town of Winchester for certain amendments to the charter of the town dividing the said town into wards for electing the town council and aldermen.

Mr. RAMEY a petition of the mayor and recorder of the town of Waterford asking that they may be furnished with the laws of the state to enable them to discharge their duties as magistrates.

Mr. TOLER a petition of James Pankey, executor of William Pankey deceased, praying the passage of an act authorizing him to sell a tract of land belonging to the estate of the decedent.

Mr. CARROLL *of Preston* a petition of John Biggs, asking to be released from the payment of a fine imposed on him by the circuit court of Preston county.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. BAKER presented a petition of citizens of the county of Frederick for the establishment of a separate election in said county, which was ordered to be referred to the committee of propositions and grievances.

Mr. CRAFFORD presented a petition and resolutions of a large portion of the citizens of Elizabeth City county, remonstrating against a law passed at the last session of the legislature changing the mode of appointing trustees to the Hampton academy, and praying its repeal, which were ordered to be referred to the committee of schools and colleges.

Mr. BURWELL *of Bedford* presented a petition of citizens of the counties of Bedford, Campbell, Franklin and Floyd, praying the incorporation of a joint stock company for the purpose of constructing a graded or dirt turnpike road, commencing at New London in the county of Campbell and terminating on the top of the Blue Ridge at or near Pannill's run in the county of Floyd, which was ordered to be referred to the committee of roads and internal navigation.

On motion of Mr. DORMAN, the resolution submitted on the sixth instant by Mr. TOLER, was taken up and read as follows:

Resolved by the general assembly, That the interests of this commonwealth as a stockholder in the James river and Kanawha company require that no further contracts for the prosecution of that work above the town of Lynchburg shall under present circumstances be made by the president and directors of said company, and that the proxy of the state be instructed to vote in the general meetings of the stockholders against entering into any new contracts to be paid in the scrip of the company until the current price of such scrip in the market shall be at par.

And the question being put upon its adoption was determined in the negative.

On motion of Mr. DORMAN the ayes and noes were ordered as follow:

AYES—Messrs. Burwell of Bedford, Mitchell, Meredith, Toler, Fox, Coleman, Cardwell, Broadus, Roane, Powell, Howell, Butts, Clark of Halifax, White, Smith of Isle of Wight, Wright, Fontaine, Ramey, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Fitzgerald, Hiden, May, Heath, Ratcliffe, Smith of Rockingham, Quillen, Ridley, Clarke of Surry, and Prince—33.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Kyle, Flood, Thornburg,

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Corbin, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Baker, Byrd, King, Carroll of Grayson, Taylor of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Harrison, Smith of Mason and Jackson, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Yerby, Hudnall, M'Connell, Aleshire, Staples, Hiner, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Roberts, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Conn, Bare, Griever, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger—91.

Mr. Powell presented an affidavit to support the petition of Charlotte F. Helm, which was ordered to be referred to the committee for courts of justice.

On motion of Mr. Lee the house adjourned.

TUESDAY, December 10, 1839.

A communication from the senate by their clerk:

IN SENATE, December 9, 1839.

The senate have passed the bill, entitled,

"An act changing the time of holding the corporation court for the town of Winchester."

Mr. Dorman from the committee of finance presented a report upon the petition of R. G. Baylor, sheriff of Norfolk county, and the following bills:

No. 14. A bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth for collecting the public revenue.

No. 15. A bill amending and reducing into one the several acts and parts of acts concerning the taxes on licenses to keepers of ordinaries and houses of private entertainment, to merchants, to vendue masters, to brokers, to venders of lottery tickets, to hawkers and pedlars, to exhibitors of public shows, on law process, on notarial seals and certain other subjects.

Mr. May from the committee for courts of justice presented the following bills:

No. 16. A bill divorcing Janetta P. Allen from her husband Robert S. Allen.

No. 17. A bill changing the time of holding the circuit superior court of law and chancery for the county of Greenbrier.

No. 18. A bill divorcing Asahel Joyner from his wife Julia Ann.

No. 19. A bill divorcing Thomas Prickett from his wife Elizabeth.

No. 20. A bill divorcing Joel Ferguson from his wife Elizabeth; and

No. 21. A bill concerning western land titles.

Which report and bills were received and laid upon the table.

On motion of Mr. Bayly, *Ordered*, That so much of the governor's message as relates to the refusal of the governor of the state of New York to deliver up to the governor of this state certain fugitives from justice, be referred to a committee of Messrs. Bayly, Gregory, Ridley, Jackson of Wood, Ewing, Goode, Tunstall, Scott of Fauquier, M'Rae, Southall, Reynolds, Robertson and May.

Mr. Southall from the committee of privileges and elections presented a report upon the memorial of William E. Cunningham complaining of the undue election of Joseph T. Allyn the delegate returned to represent the borough of Norfolk in the present house of delegates.

On motion of Mr. Southall, *Resolved*, That William E. Cunningham be admitted to a seat and be heard at the bar of the house during the pendency of the said report upon the subject thereof.

The said report was then taken up and read, and Mr. Cunningham was heard at the bar.

The first, second, third and fourth resolutions were passed by on motion of Mr. Southall, and the fifth resolution having been under discussion for some time,

On motion of Mr. Fontaine the house adjourned.

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WEDNESDAY, December 11, 1839.

A communication from the senate by their clerk:

IN SENATE, December 10, 1839.

The senate have passed the bill, entitled,

"An act to authorize the court of Norfolk county to run the ferries of said county by an agent."

They have also passed the bill, entitled,

"An act for the temporary relief of the banks of this commonwealth," with amendments in which they request the concurrence of the house of delegates.

The first amendment proposed by the senate was agreed to.

The said bill as it passed this house contained the following proviso:—"*Provided*, That no bank which shall avail itself of the provisions of this act shall make any dividends on its stock, unless it shall at least ten days previously thereto have resumed and *bona fide* continued the payment of its notes and debts in specie."

The second amendment proposed by the senate, proposed to strike out from the word "*provided*," to the end of the section, and in lieu thereof insert "that the banks of this commonwealth, in which the public moneys are on deposite, shall pay the interest falling due in January next upon public loans in specie or its equivalent, if the public creditors require it, if there be so much in said banks to the credit of the commonwealth."

A motion was made by Mr. Crutchfield that the question be divided; so as to be taken first upon that branch of the amendment which proposed to strike out the words contained in the bill as it originally passed the house, and afterwards upon inserting the words proposed by the senate in lieu of those stricken out; and the question having been so divided and put upon first striking out, was determined in the negative.

On motion of Mr. Smith *of Isle of Wight* the ayes and noes thereupon were recorded as follows:

Ayes—Messrs. Bayly, Southall, Cabell, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Roane, Marshall, Scott of Fauquier, Payne, Wade of Franklin, Gibson, Seymour, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Beard, Ramey, Harrison, Smith of Mason and Jackson, Allyn of Norfolk borough, M'Connell, Tunstall, Roberts, Robertson, Dorman, Smith of Russell, Crutchfield and Stephenson—41.

Noes—Messrs. Gilmer, (speaker,) Cropper, Carpenter, M'Cue, Stuart, Lockridge, Hannah, Meredith, Kyle, Thornburg, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Powell, Alderson, Howell, Hale, Byrd, King, Smith of Gloucester, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Gregory, Wright, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Lipscomb, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, May, Keen, Tallman, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson, Walker, Jackson of Wood, and Stanger—85.

The effect of this vote was to disagree to the residue of the amendment of the senate.

A motion was then made by Mr. Venable, (a member voting with the majority,) that the fifth rule of the house be suspended for the purpose of reconsidering the said vote; and the question being put upon suspending the said rule, was determined in the affirmative.

On motion of Mr. Clarke *of Surry* the ayes and noes thereupon were recorded as follow:

Ayes—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Roane, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Hiner, Tunstall, Keen, Tallman, Venable, Roberts, Ratcliffe, Walden, Robertson, Snyder, Leyburn, Dorman, Quillen, Griever, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Walker, and Jackson of Wood—86.

Noes—Messrs. Bayly, Carpenter, Hannah, Meredith, Cox, Whitworth, Crafford, Powell, Howell, King, Smith of Gloucester, Carroll of Grayson, Butts, Taylor of Halifax, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Orgain, Scott of Marshall, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Hudnall, Fitzgerald, Hiden, Aleshire, May, Carroll of Preston, Heath, Sturm, Smith of Rockingham, Shipman, Smith of Russell, Conn, Bare, Ridley, Clarke of Surry, Prince and Stanger—41.

The question was then put upon reconsidering the vote on the first branch of the senate's amendment and was determined in the affirmative.

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The question was again put upon the proposition of the senate as divided by the motion of Mr. CRUTCHFIELD, and was determined in the affirmative.

On motion of Mr. GOODE the ayes and noes were recorded as follow:

AYES—Messrs. Cropper, Southall, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Roane, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, Erskine, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Ewing, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Baskerville, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Hiner, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Quillen, Griever, Crutchfield, Fitzhugh, Stephenson, Walker, and Jackson of Wood—74.

NOES—Messrs. Gilmer, (speaker,) Bayly, Carpenter, Wood; Hannah, Jackson of Braxton and Lewis, Meredith, Thornburg, Cox, Whitworth, Crafford, Powell, Howell, King, Smith of Gloucester, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Tayloe of Lancaster and Richmond, Lipscomb, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Hudnall, Fitzgerald, Hiden, Aleshire, May, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Conn, Bare, Ridley, Clarke of Surry, Prince, Spotts, Goodson and Stanger—64.

The question then recurred upon inserting the words proposed by the senate in lieu of those so stricken from the bill; thereupon a motion was made by Mr. SMITH *of Isle of Wight* to amend the said amendment by inserting in lieu of the words proposed by the senate, the following:

"That the holder of any note of a bank of this commonwealth which has suspended, or which shall during the continuance of this act suspend specie payments, may present the same for payment at the bank where it was issued, and if payment thereof be refused the cashier or other officer of the said bank shall endorse thereon the date of such presentation and refusal of payment, and such note shall thereafter bear an interest of six per centum per annum until paid. And if the cashier or other officer of any bank having suspended specie payments as aforesaid, shall refuse or fail to make the endorsement aforesaid, the holder of any note presented for payment shall have the same remedy against the bank as if this act had never passed."

The proposed amendment was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes were recorded as follow:

AYES—Messrs. Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, Thornburg, Cox, Crafford, Powell, Howell, King, Smith of Gloucester, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Hudnall, Hiden, Aleshire, Heath, Ratcliffe, Sturm, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Clarke of Surry, Prince, Spotts, Stephenson, Goodson and Stanger—48.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Meredith, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, Erskine, Gibson, White, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Baskerville, Goode, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Fitzgerald, M'Connell, Hiner, May, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Russell, Crutchfield, Fitzhugh, Walker, and Jackson of Wood—79.

The question was then put upon inserting the words proposed by the senate in lieu of those stricken from the bill, and was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Cropper, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Powell, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Wade of Franklin, Byrd, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Ewing, Lawson, Beard, Ramey, Harrison, Baskerville, Goode, Clayton, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Fitzgerald, M'Connell, Hiner, Tunstall, Tallman, Carroll of Preston, Venable, Roberts, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Russell, Quillen, Griever, Stephenson, Goodson, Walker, and Jackson of Wood—80.

NOES—Messrs. Bayly, Southall, Carpenter, Wood, Cabell, Hannah, Jackson of Braxton and Lewis, Meredith, Crafford, Howell, King, Smith of Gloucester, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Smith of Isle of Wight, Wright, Fontaine, Tayloe of Lancaster and Richmond, Lipscomb, Orgain,

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Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Chapman, Wade of Montgomery and Pulaski, Hudnall, Hiden, Aleshire, May, Keen, Heath, Ratcliffe, Smith of Rockingham, Shipman, Conn, Bare, Ridley, Crutchfield, Clarke of Surry, Prince, Spotts and Stanger—46.

Ordered, That the clerk inform the senate that the house agree to their amendments to the said bill.

On motion of Mr. VENABLE, *Resolved*, That the committee on banks be instructed to enquire into the state and condition of the several banks of this commonwealth, and that for that purpose they have power to send for persons, books and papers.

On motion of Mr. M'CONNELL, *Resolved*, That the committee on banks be directed to enquire into the propriety of exonerating the Merchants and Mechanics Bank of Wheeling from the penalties of the law that may be incurred by the suspension of specie payments until the first day of March next.

An engrossed bill to revive the act incorporating the Huguenot coal mining and iron manufacturing company, was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented the following bill:

No. 22. A bill authorizing James M. Smith to erect a wharf on a part of the public landing on the east side of Coan river in the county of Northumberland.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented the following bill:

No. 23. A bill concerning certain loans heretofore authorized for the Northwestern turnpike road.

Mr. MAY from the committee for courts of justice presented reports upon the petitions of Samuel Lyle and others, and of William Drummond and Elizabeth Overby, and upon the resolution for furnishing mayors and recorders of incorporated towns with copies of the laws.

Also the following bills:

No. 24. A bill concerning the jurisdiction of circuit superior courts; and

No. 25. A bill prescribing the punishment for poisoning or attempting to poison.

Which bills and reports were laid upon the table.

No. 14. A bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth for collecting the public revenue; and

No. 15. A bill amending and reducing into one the several acts and parts of acts concerning the taxes on licenses to keepers of ordinaries and houses of private entertainment, to merchants, to vendue masters, to brokers, to venders of lottery tickets, to hawkers and pedlars, to exhibitors of public shows, on law process, on notarial seals and certain other subjects, were severally taken up, read the first and ordered to be read a second time.

Mr. DORMAN presented a petition of citizens of the county of Rockbridge asking that the James river within certain limits be declared a lawful fence, which was referred to the committee of agriculture and manufactures.

Mr. BEARD presented a petition of citizens of the county of Loudoun for the establishment of a separate election at Broad run bridge in said county.

Mr. STEPHENSON a memorial of Hamilton Williamson remonstrating against the application of E. and T. Pollock for the establishment of a ferry in the county of Marshall.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. SPOTTS presented a petition of citizens of the county of Tazewell complaining of the operation of the land law of 1837, and praying that the same may be repealed or amended.

Mr. SOUTHALL a petition of George M. Payne and others praying to change the day for holding the superior court of Buckingham county.

Mr. CARROLL *of Preston* a petition of citizens of the county of Preston asking that the judges of the state may be deprived of the power now given them by law to impose other punishment on criminals than that imposed by the jury.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. BYRD presented a petition of citizens of the county of Frederick for the construction of a road from the town of Winchester to the town of Bath, which was ordered to be referred to the committee of roads and internal navigation.

On motion of Mr. ETHERIDGE the house adjourned.

THURSDAY, DECEMBER 12, 1839.

On motion of Mr. WILSON the house adopted the following preamble and resolution:

Whereas Friday the 13th of December 1839 has been designated by the various religious denominations of this state as a day of thanksgiving and prayer to testify our gratitude to Almighty God for the general health,

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prosperity and abundant products of the soil with which the citizens of this commonwealth have been blessed: And whereas a general suspension of business has been recommended in this city with a view to participate in the religious exercises of the day:

Resolved, therefore, by the general assembly of Virginia, That when they adjourn to-day they will adjourn to meet at the usual hour on Saturday next.

Ordered, That Mr. WILSON carry the same to the senate and request their concurrence.

On motion of Mr. BEARD, *Ordered,* That leave be granted to Charles Crook to withdraw his petition and accompanying documents presented to the general assembly in the year 1808.

On motion of Mr. JACKSON *of Wood, Resolved,* That the committee for courts of justice be instructed to enquire into the expediency of providing for a new revision of the civil code of this commonwealth; also what progress has been made in the revision of the criminal laws of this commonwealth, and if any what further provision is necessary to be made to complete the same.

On motion of Mr. BAKER, *Resolved,* That the committee for courts of justice be instructed to enquire into the expediency of further securing the collection of the county, corporation and parish levies, and that they have leave to report by bill or otherwise.

On motion of Mr. DORMAN, *Resolved,* That the committee for courts of justice be instructed to enquire into the expediency of prohibiting by law the transportation of gunpowder on the various rail-roads of this commonwealth.

A message from the senate by Mr. CARTER:

Mr. SPEAKER—The senate agree to the preamble and resolution for the adjournment of the general assembly until Saturday next, with a view to participate in the religious exercises of the day set apart by the religious denominations of the state as a day of thanksgiving and prayer. And have passed the bill entitled "an act to revive the act incorporating the Huguenot coal mining and iron manufacturing company."

Mr. VENABLE from the committee on banks presented a report upon the resolution for exonerating the Merchants and Mechanics Bank at Wheeling from the penalties of the law that may be incurred by the suspension of specie payments.

Mr. STEPHENSON from the committee of claims presented a report upon the petition of Philip Nelson.

Which reports were laid upon the table.

Mr. SNYDER presented a petition of citizens of the county of Roanoke for the incorporation of the Salem savings bank, which was ordered to be referred to the committee on banks.

Mr. RAMEY presented a petition of citizens of the county of Loudoun for the passage of a special road law for said county, which was referred to the committee of roads and internal navigation.

Also a petition of citizens of the county of Loudoun for the establishment of a separate election at the house of Levi Waters in said county, which was referred to the committee of propositions and grievances.

Mr. BAKER a memorial of Daniel Gold and others citizens of Winchester in opposition to a change in the wards of that town, which was also referred to the said last committee.

Mr. ROBERTSON a petition of Hugh W. Fry and others praying the passage of an act to incorporate a company to be known as the Exchange hotel company, which was referred to the same committee.

Mr. GOODE presented a petition of the heirs of John Chavis praying the renewal of certificates and making allowance for the services of their father in the revolutionary war, which was ordered to be referred to the committee of claims.

On motion of Mr. SOUTHALL the report of the committee of privileges and elections under discussion on Tuesday last was taken up.

The fifth resolution was first considered. The same is the following:

Resolved, That the rejection by the superintendent of the Norfolk borough election held on the 23d day of May last for a delegate to the present house of delegates, of electors, for the reason alleged in his own deposition, was illegal.

The question being put upon agreeing thereto was determined in the affirmative.

On motion of Mr. CHAPMAN the ayes and noes were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Meredith, Kyle, Flood, Toler, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Alderson, Payne, Howell, Wade of Franklin, Baker, Byrd, King, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Beard, Ramey, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, M'Connell, Hiden, Aleshire, Hiner, May, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Robertson, Snyder, Leyburn, Smith of Rockingham, Shipman, Smith of Russell, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—98.

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Noes—Messrs. Stuart, Hunter, Fox, Coleman, Marshall, Scott of Fauquier, Hale, Smith of Gloucester, Gibson, Worthington, Kennedy, Lawson, Harrison, Smith of Mason and Jackson, Evans, Massie, Tunstall, Keen, Tallman, Walden, and Jackson of Wood—21.

The sixth resolution was read as follows:

Resolved, That the notice furnished and delivered William E. Cunningham by Joseph T. Allyn of misconduct in the superintendent of the said election is sufficient to raise the question of the legality of the said election.

Mr. Butts submitted the following as a substitute for the said resolution:

Resolved, That under all the circumstances of this case this election ought to be vacated and sent back to the people of Norfolk borough, and that the speaker of this house issue a writ of election to be held on the day of .

Before the question was taken upon the substitute,

On motion of Mr. Gibson the house adjourned until Saturday next twelve o'clock.

SATURDAY, December 14, 1839.

On motion of Mr. Wilson, *Ordered*, That the committee of agriculture and manufactures be discharged from the consideration of the resolution for amending the charter of the Belle Isle manufacturing company, and that the same be laid upon the table.

On motion of Mr. Hannah, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of directing a survey of Craig's creek to be made by the principal engineer from its mouth to the town of New Castle in the county of Botetourt, with a view to the improvement of the navigation of said creek in the mode deemed most advisable, together with an estimate of the probable cost of such improvement and the public benefits to be expected therefrom, with leave to report by bill or otherwise.

On motion of Mr. Lockridge, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of changing the law so as to authorize a single justice of the peace to certify the acknowledgment of deeds.

On motion of Mr. Jackson *of Wood*, *Resolved by the general assembly*, That the auditor of public accounts in adjusting the mileage of the principal assessors for travelling to the city of Richmond shall allow them the same mileage as is allowed to the members of the general assembly coming from the county where the principal assessor resides.

Ordered, That Mr. Jackson *of Wood* carry the same to the senate and request their concurrence.

On motion of Mr. Smith *of Rockingham*, *Resolved*, That the committee of agriculture and manufactures be instructed to enquire into the expediency of amending and explaining the law in relation to flour barrels.

On motion of Mr. Stephenson, *Resolved*, That the committee of finance be instructed to enquire into the expediency of providing for the collection of delinquent property tax.

On motion of Mr. Venable, *Resolved*, That the committee on banks be instructed to enquire into the expediency of so amending and explaining an act for the temporary relief of the banks of this commonwealth, passed the present session of the legislature, as to entitle the banks which have the public revenue on deposite to a credit in account with the commonwealth for whatever premium or discount the said bank or banks may be subjected to in making payment in specie for warrants drawn on them for the payment of the interest on the state debt.

Mr. Ratcliffe presented a petition of citizens of the county of Prince William praying that when any person shall hereafter be arrested upon a *ca. sa.* or other civil or criminal process, that the sheriff or other officer shall provide some convenient mode for his or her transportation to the jail of his county.

Also a petition of Martha, a woman of colour, asking to be permitted to reside in the county of Prince William.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. Smith *of Rockingham* presented a petition of citizens of the county of Rockingham for an amendment of the existing law in relation to the appointment of inspectors of flour in this commonwealth, which was referred to the committee of agriculture and manufactures.

Mr. King presented a petition of James M'Claugherty and others praying that a part of the county of Mercer may be attached to the county of Giles.

Mr. Lee a petition of citizens of the counties of Harrison, Lewis and Tyler for the formation of a new county out of parts of the said counties.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. Wilson from the committee of agriculture and manufactures presented the following bill:

No. 26. A bill to incorporate the Clover Hill coal mining and iron manufacturing company.

Which was laid upon the table.

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A message from the senate by Mr. SMITH of Culpeper:

Mr. SPEAKER—The senate have adopted a resolution that when the senate adjourns to-day, it will with the consent of the house of delegates, adjourn until the hour of 12 o'clock on the 3d day of January next, in which they request the concurrence of this house.

The said resolution being read was agreed to by the house.

Ordered, That Mr. GOODE inform the senate thereof.

On motion of Mr. MAY, *Resolved*, That when this house adjourns on the 24th instant, it will with the consent of the senate adjourn until the 30th instant.

Ordered, That Mr. MAY carry the same to the senate and request their concurrence.

A message from the senate by Mr. COCKE:

Mr. SPEAKER—The senate agree to the resolution for the adjournment of this house from the 24th to the 30th instant.

On motion of Mr. SOUTHALL, the report of the committee of privileges and elections together with the substitute offered for the sixth resolution by Mr. BUTTS was taken up.

The report is the following:

The committee of privileges and elections have according to order had under consideration the memorial of William E. Cunningham to them referred, complaining of the undue election of Joseph T. Allyn the delegate returned to represent the borough of Norfolk in the present house of delegates, have agreed upon a report, and come to the following resolutions thereupon:

Your committee having read and examined the memorial of the said William E. Cunningham, the contesting candidate, together with the notice of the memorialist to Joseph T. Allyn the returned member, of his intention to contest the election of the latter, and of the list of those persons to whose votes the memorialist made objection, with the objection to each voter written opposite his name, and being of opinion that the notice was altogether legal, an exception was taken by the said Joseph T. Allyn to the character of the objections appended by the petitioner to the names of seventy-seven voters, being John Stanford and seventy-six others, on the ground that such objection was too general and not in compliance with the requisitions of the law. The objection of the memorialist to the said seventy-seven voters is in these words, "not qualified to vote according to the constitution and laws of Virginia." And your committee being of opinion that such objection to the want of qualification to exercise the right of suffrage was in compliance with the provisions of the act entitled "an act concerning general elections in this commonwealth," passed April 2d, 1831, came to the following resolution thereupon:

1. *Resolved*, That the objection of the memorialist "not qualified to vote according to the constitution and laws of Virginia," written opposite the name of John Stanford is legal and sufficient.

And there being no evidence introduced to your committee to prove that the said John Stanford was qualified to vote in the late election in the borough of Norfolk for a delegate to the present house of delegates:

2. *Resolved*, That the vote of John Stanford is illegal.

And it appearing to your committee that seventy-six persons, to wit, Eleazer Stillman and others on the poll of Joseph T. Allyn, objected to by the said William E. Cunningham, stood in all respects as John Stanford, and no evidence being offered your committee that any one of such persons was qualified to vote in the late election in the borough of Norfolk for a delegate to the present house of delegates:

3. *Resolved*, That the votes of the said Eleazer Stillman and seventy-five others similarly situated are illegal.

The votes of John Quinn and five others to which besides the general objection before mentioned the specific objection of personal disability on account of alienage was made, your committee upon the evidence adduced:

4. *Resolved*, That the votes of the said John Quinn and five others are illegal.

The votes of Peter Bonfante and seven others to which the same specific objection was made as in the case of John Quinn, were admitted by the memorialist to be legal.

The same objection as in the case of Peter Bonfante was made to the votes of Robert Brown and two other persons, and there being no evidence offered your committee:

5. *Resolved*, That the votes of the said Robert Brown and two other persons are illegal.

The name of Joseph Wright is twice recorded on the poll of Joseph T. Allyn. It is admitted by William E. Cunningham that the name Joseph Wright should have been once recorded James Wright, which misnomer your committee corrected accordingly.

The said William E. Cunningham insisted that the name of John G. Camp on the poll of Joseph T. Allyn should be deducted from the poll of the said Allyn and transferred and added to the poll of the petitioner as John J. Camp; and that the like disposition should be made of the name of John Dunston on the poll of Joseph T. Allyn; and the committee being satisfied from the evidence that such correction of the poll should be made, corrected the same accordingly.

Your committee having disposed of the list of votes objected to on the poll of the returned member, proceeded to the examination of the notice and list of votes objected to by him and delivered to the said William E. Cunningham, which being admitted by the petitioner to be in conformity to law, your committee found the

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number of fifty votes on said list, twenty-six of which were either admitted by the said Allyn or decided by your committee upon the evidence to be legal; and the remaining twenty-four admitted by the said Cunningham or decided by the committee to be illegal.

Your committee having proceeded thus far in disposing of each list of votes objected to, and in the correction of the poll as before mentioned, Joseph T. Allyn at this stage of the proceeding raised an objection to the validity of the election, and contended that the same was wholly null and void for the reasons set forth in his notice to William E. Cunningham; which reasons your committee deem it best here to incorporate, and which is in these words, *to wit*, "I contend moreover that the election of representation in congress and the election of delegate to the general assembly 'are not one and the same election,' within the meaning and intent of the seventeenth section of the general election law, notwithstanding they are held at the same time and place; but are regulated by separate and distinct sections and provisions of the law and constitution; and that therefore those electors who voted for a congressional candidate in the early part of the day of the election held on the 23rd of May in the borough of Norfolk, and did not vote for a delegate for said borough to the general assembly, had a legal right to give their votes for *delegate* at any time thereafter during said day of election; and I claim accordingly that many persons who voted for a congressional candidate in the morning of said day of election were desirous to vote for Joseph T. Allyn as delegate in the after part of the same day; and that among these E. Cosby, Oscar E. Edwards, J. A. Edwards, B. Lockwood and Thomas G. Clinton applied to Miles King, mayor, the officer superintending the election, and demanded their privilege of then voting for Joseph T. Allyn but were denied the privilege of thus voting for Joseph T. Allyn as delegate to the general assembly: and I further claim and object that in consequence of such refusal on the part of the said Miles King, I the said Joseph T. Allyn was illegally deprived of the votes of the electors hereinafter named, viz: O. E. Edwards, J. A. Edwards, E. Cosby, Edward Absalom, Merritt Jordan, William Peete, Cornelius Hooker, Dennis Dawley, Richard Richardson, Henry Shuttle, David Bell, William Johnson, William Wilber, William M'Clanahan, James S. Gaskins, N. Pebworth, John Scrydor, George Bar, J. Trowbride, William Henley, Joseph Morgan, Thomas Pritchard, Thomas Wise, Thomas Etheridge, James Shannon, William Miller, T. G. Moore, J. E. Wiggins, B. Lockwood, &c. who were influenced by the aforesaid refusal of said Miles King and did not therefore offer to vote. And I claim that the above named and all such others upon proper proof exhibited shall be added to my poll." The said William E. Cunningham, on his part alleged that the construction of the law by the superintendent and the rule adopted by him in conducting the election, to wit, that the congressional and borough election which was held on the same day and at the same place were in the meaning and true intent of the act of assembly one and the same election, and that no elector who had voted in the congressional election had the right after retiring from the polls to return in the after part of the same day and claim to vote for a delegate to the general assembly. And the said William E. Cunningham further contended that even admitting such construction of the law by the superintendent to have been erroneous, and the rejection of one or more electors so circumstanced desiring to vote in the borough election, yet the said Joseph T. Allyn had failed to deliver him a sufficient notice of his intention to put in issue the legality of the election. Your committee, however, deeming the notice of the said Allyn to be in substance sufficient to raise the question and make such issue; and that the same was a subject of legitimate enquiry before them; and having come to a different conclusion in their interpretation of the section of the act regulating general elections in this commonwealth from the superintendent of the Norfolk borough election; and deeming the election held on the 23d day of May last in the said borough for a member of congress and a member of the present house of delegates, not to be one and the same election, but wholly separate, distinct and independent of each other; held for different purposes and intended for different legislative bodies though held at the same time and place, conducted by the same officers and approachable by the same class of electors, having examined the evidence of Oscar E. Edwards who states that "on the day of the late election in the borough of Norfolk in the forenoon of the day he gave his vote for a member of congress and declined at that time to vote for a delegate to the general assembly. That on the afternoon of the same day and before the polls were closed he presented himself again to the officer conducting the polls, and informed him that he wished to vote for a delegate. Mr. King the officer said that as he had voted at the polls on that day for a member of congress he could not then vote for a delegate, and the deponent was not permitted to vote for a delegate. If permitted to vote he would have voted for Joseph T. Allyn as delegate.

The deponent further states that Ebenezer Cosby was with him at the door of the courthouse at the time and declared to him his intention to vote for Mr. Allyn as a delegate if his vote could be received, as said Cosby had like this deponent voted in the morning for a member of congress. When deponent's vote was refused Cosby did not present himself at the polls again, in consequence of the rejection of his vote. Deponent has good reason to believe that there were many other persons similarly situated, who would have voted for Mr. Allyn if his vote had been received, but does not recollect the names of such persons except Mr. John A. Edwards his brother. He thinks there were twenty or thirty persons in that situation who would then have voted for Mr. Allyn, and all of them to the best of his knowledge good voters.

Thomas G. Clinton states that at the late election for a delegate to the general assembly for the borough of Norfolk, he voted for Joseph T. Allyn and his vote was recorded for him. Mr. Allyn admits here that this de-

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ponent is the same individual referred to by him in his objections, as one who offered to vote for him but was refused; and that he made a mistake in supposing that he had not voted.—* The deponent states however that he knows that there were several voters at the courthouse in the afternoon who had voted for a member of congress at the polls in Norfolk borough on the morning of that day, and who would have voted in the afternoon for Mr. Allyn as a delegate if permitted to vote, but the refusal of Miles King, esq. the mayor, to receive such votes being made known to them by this deponent, they did not offer to vote on that account. He thinks there were six or eight persons who would have voted for Mr. Allyn at that time, but he does not recollect their names, or whether they were good voters, but he understood that their votes had been received in the morning for a member of congress.

The latter part of this deposition from mark * is taken in answer to interrogatories from Joseph T. Allyn and objected to by Mr. Cunningham's agent.

E. Cosby states as follows: "*Question by Mr. Allyn.* Were you and others refused the privilege of voting for a delegate at the election in May last? *A.* I was, and I knew that others were by the mayor. A number of persons after I made known the fact of my being refused to vote, and who would have voted for J. T. Allyn did not present themselves at the polls in consequence of that refusal by the mayor. *Q.* What number of voters were thus deprived of the privilege of voting to the best of your knowledge? *A.* I think 10 or 12. *Question by William E. Cunningham.* Do you swear positively that you applied in person to Mr. King, the officer conducting the election on the 23d May, to vote for a delegate and were refused? *A.* Yes. *Q.* Was O. E. Edwards one of the number who was in company with you? *A.* Yes, and J. A. Edwards also. *Q.* On what right did you claim to vote? *A.* As a householder and having paid revenue tax on a slave for the preceding year."

Joseph Spratley states as follows: "*Question by J. T. Allyn.* Did you vote for a delegate in May last? *A.* No. *Q.* Why did you not vote for a delegate? *A.* Because supposing that Mr. Allyn was elected from seeing the polls at the close thereof, having held back my vote in case of a tie between Allyn and Cunningham the candidates, and in that event would have voted for Allyn, having voted for a member of congress, being the last one who voted except Mr. King, having determined all day to pursue that course. *Q.* Do you believe that there were any or many voters who had voted for a member of congress in the morning, but were deprived the privilege of voting for a delegate in the evening by the rules adopted by Mr. King, mayor, against voting twice the same day, who would have voted for J. T. Allyn? *A.* As near as I can recollect there were some 8 or 10 who came up to the polls for the purpose of voting for J. T. Allyn but were refused by Mr. King, who informed them that it was contrary to law. That I requested the mayor to read the law, and that I coincided in the construction of the law, all of whom made application to vote and were refused the right of voting. Among the number were E. Cosby, O. E. Edwards and J. A. Edwards. *Q.* Do you believe that there were other voters who did not apply who would have voted for J. T. Allyn, but for learning that they could not vote from the rules adopted by the superintending officer? *A.* Yes, I believe some 20 or 30 would have voted, having understood from them on my return from dinner between 3 and 5 o'clock, and that they generally would have voted for Mr. Allyn."

Miles King states "that under the 17th section of the general election law he would deem it his duty to prohibit any individual voting in the afternoon of the election day, who had voted in the morning of the same day—that this had always been the practice of all the officers heretofore conducting elections in the borough of Norfolk, and was acquiesced in by the people." *Q. by W. C. C.* Have you any recollection of E. Cosby, O. E. Edwards, J. A. Edwards, B. Lockwood and Thomas G. Clinton, having applied to you in the afternoon of the day of the election in order to vote for a delegate. *Answer.* I do not recollect at this time of those persons applying to vote, but recollect having read the law to many persons, and that if they did apply they were refused. Mr. Sewpson Whitehead appeared at the polls in the morning and voted for a delegate, when I stated to him that he could not return a second time and vote, to which statement he acquiesced and retired, and that at the time Mr. Whitehead voted he was the commonwealth's attorney in the borough of Norfolk."

Question by J. T. A. Have you heretofore construed that the election of a member of congress and delegate was one and the same election? *Answer.* I have, if held on the same day; and I have always decided that no elector should vote a second time at one and the same election, although he had not voted for all the candidates he might have voted for by law. *Q. by J. T. A.* What do you mean by settled practice? *Answer.* That this rule had been conformed to by the officers conducting elections so far as I know, and certainly by my predecessor who was in office fifteen or twenty years. *Question by J. T. A.* In the election of May last was there not a great number of electors who voted for a member of congress early in the day who did not vote for a delegate? *Answer.* I believe there were many.

Baynham Baylor states as follows: "*Q. by Wm. E. Cunningham.* Did you desire to vote for a delegate of this borough to the general assembly in the election held in May last, and would you have voted for William E. Cunningham but for the impression that a person having been once at the polls would not be permitted to vote a second time on the same election day? *A.* I would have voted in the afternoon for Mr. Cunningham but for the opinion of legal men who were at the door of the courthouse, and informed me that voting the second time

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the same day was contrary to law. *Q.* Do you know of any other person or persons who would have voted for Mr. Cunningham at that election had they not been under the same impression as yourself relative to the opinions you heard expressed as aforesaid? *A.* I know but a single individual, viz: Dr. Whitehead. *Q.* What is your opinion as to the effect which the opinion expressed as aforesaid had on the result of the borough election for delegate? *A.* My impression is that it affected the candidates equally."

N. C. Whitehead states: "*Question by W. E. Cunningham*—the same as those of Baynham Baylor—Had I have believed that I would have been permitted to vote a second time on that day I would have gone to the polls and voted for W. E. Cunningham."

Your committee thinking that the testimony exhibits sufficient grounds upon which to vacate said election, evidencing as it does the fact that an improper delusion prevailed among the electors of Norfolk borough as to their legal rights which may have been prejudicial to the full expression of their voice in the said borough election; to what extent is not clearly shewn committee, but to a sufficient extent they think to set aside the said election; whereupon your committee have come to the following resolutions:

6. *Resolved*, That the rejection by the superintendent of the Norfolk borough election, held on the 23d day of May last for a delegate to the present house of delegates, of electors for the reason alleged in his own deposition was illegal.

7. *Resolved*, That the notice furnished and delivered William E. Cunningham by Joseph T. Allyn of misconduct in the superintendent of the said election, is sufficient to raise the question of the legality of the said election.

8. *Resolved*, That the election held on the 23d day of May last in the borough of Norfolk for a delegate to the present house of delegates was illegal and void, and that the same should be set aside.

9. *Resolved*, That a writ of election issue to the mayor or other proper officer for the borough of Norfolk, to supply the vacancy existing in the representation of said borough in the present house of delegates of Virginia.

Your committee however have deemed it expedient as their investigation enables them to do so, to report to the house the state of the poll between the returned member and the memorialist, which from the facts herein before detailed would be thus:

At the close of the poll the vote for Joseph T. Allyn stood thus,	329
Deduct the votes of John J. Camp and John Dunston transferred to the poll of William E. Cunningham,	2
	327
Deduct illegal votes,	86
	241
At the close of the poll the vote for William E. Cunningham stood thus,	319
Add the votes of John J. Camp and John Dunston,	2
	321
Deduct illegal votes,	24
	297

The poll ought to stand thus:

For William E. Cunningham,	297
For Joseph T. Allyn,	241

Your committee have omitted to report the evidence upon which various votes on each list were admitted or rejected, or upon which the corrections of the poll herein before mentioned were made, as neither of the contending parties desired it, as it could not affect the final result, and as each party to save useless labour and time agreed that it should be withheld.

The sixth resolution was considered, and the question recurred upon adopting the substitute, which is the following:

"*Resolved*, That under all the circumstances of this case this election ought to be vacated and sent back to the people of Norfolk borough, and that the speaker of this house issue a writ of election to be held on the day of ."

A motion was made by Mr. WORTHINGTON to amend the substitute by striking out all after the word "*Resolved*," and inserting in lieu thereof the following: "that to raise the question of the legality of the said election it was not necessary that Joseph T. Allyn should have furnished and delivered to William E. Cunningham notice that such question would be raised by him."

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And the question being put upon the amendment to the substitute was determined in the affirmative.

On motion of Mr. GREGORY the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Crafford, Roane, Powell, Marshall, Alderson, Payne, Hale, Wade of Franklin, Baker, Smith of Gloucester, Carroll of Grayson, Erskine, Taylor of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Evans, Chapman, Myers of Morgan, Massie, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Crutchfield, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger—110.

NOES—Messrs. Carpenter, Lockridge, Hannah, Howell, Byrd, King, Clark of Halifax, Seymour, Gregory, Scott of Marshall, Wade of Montgomery and Pulaski, Roberts and Fitzhugh—13.

The substitute as amended was then adopted, and the resolution of the committee as thus amended was also agreed to.

The seventh resolution was then considered, and having been for some time under discussion, Mr. STEPHENSON demanded that the main question be now put, and the call having been sustained by the house, the question was put upon adopting the said resolution and was determined in the affirmative.

On motion of Mr. CHAPMAN the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, Wood, M'Cue, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Corbin, Cox, Burwell of Clarke and Warren, Crafford, Roane, Powell, Payne, Howell, Baker, Byrd, King, Carroll of Grayson, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Reynolds, Wright, Fontaine, Ewing, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Carroll of Preston, Venable, Roberts, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Conn, Bare, Griever, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—75.

NOES—Messrs. Southall, Cabell, Stuart, Lockridge, Burwell of Bedford, Kyle, Flood, Fox, Broadus, Wilson, Marshall, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, Worthington, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Massie, Yerby, May, Tunstall, Keen, Tallman, Walden, Robertson, Leyburn, Dorman, Crutchfield, and Jackson of Wood—38.

The eighth resolution was on the question put thereupon agreed to by the house.

On motion of Mr. DORMAN the residue of said report was laid upon the table.

On motion of Mr. SOUTHALL, *Resolved*, That Joseph T. Allyn be permitted to withdraw from the office of the clerk of this house a certain deed from George Johnson to Charles Johnson, also a letter from J. T. Allyn to William E. Cunningham, and the letter in reply of said Cunningham, and also a certified copy of the poll held in the late borough election.

On motion of Mr. DORMAN the house adjourned until Monday twelve o'clock.

MONDAY, DECEMBER 16, 1839.

On motion of Mr. ALDERSON, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a joint stock company under the name and style of the Carnifex ferry bridge company, for the purpose of building a bridge over Gauley river at or near said ferry, and that they report by bill or otherwise.

On motion of Mr. M'RAE, *Resolved*, That the committee of finance enquire into the expediency of amending so much of the 8th section of the act, entitled "an act reducing into one act the several acts concerning tithables and directing the mode of laying and collecting the county levy," passed March 6th, 1819, which provides that sheriffs shall account with and satisfy county creditors the respective sums levied for them or either of them, and to adjust and settle the account of his collection with the county on or before the first day of November in every year, and so much of the 22d section of the act, entitled "an act reducing in one the several acts concerning the fees of certain officers and declaring the mode of discharging the said fees," passed March 2d, 1819, and which provides for the payment of the said fees to the persons entitled, on or before the

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first day of November in every year, so as to require the sheriffs to pay the said sums of money on or before the 15th day of December in every year, instead of the time now appointed by law.

On motion of Mr. DORMAN, *Resolved*, That the committee of finance be instructed to enquire into the expediency of making a change in two certificates of stock due from the old James river company to the Bank of Virginia, the payment of which has been assumed by the state, the one for the sum of $40,000 due the 15th of March 1840, the other for the sum of $60,000 due the 22d of March 1843.

On motion of Mr. BYRD, *Resolved*, That the committee of roads and internal navigation be and they are hereby instructed to enquire into the expediency of directing a survey to be made by a competent engineer of the best route for the road from Winchester in Frederick county to Berry's ferry in Clarke county as contemplated by the act of the general assembly, passed April the 6th, 1839, entitled "an act to incorporate the Winchester and Berry's ferry turnpike company," together with an estimate of the probable cost of said road, including the construction of a substantial bridge across the Shenandoah river, and to report by bill or otherwise.

On motion of Mr. LEE, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of providing by law for changing the times of holding the circuit superior courts of law and chancery for the county of Randolph, and that they have leave to report by bill or otherwise.

On motion of Mr. ROBERTSON, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of changing the time now fixed by law for holding the spring term of the circuit superior court of law and chancery for the 21st judicial circuit for the trial of criminal causes.

Mr. M'RAE presented a petition of Jesse Snead and Thomas & Richard Crouch praying an increase of the tolls on the Tuckahoe and James River rail-road company.

Mr. BYRD a petition of citizens of the counties of Frederick, Clarke, Jefferson and Loudoun for the extension of the Northwestern turnpike from Winchester in the county of Frederick to Berryville in the county of Clarke on state account.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. MARSHALL presented a petition of citizens of the county of Fauquier for the establishment of a new county out of said county, which was ordered to be referred to the committee of propositions and greivances.

Mr. BYRD presented petitions of citizens of the county of Monongalia, remonstrating against the right of James Evans to retain his seat as a member from that county, and praying that the election may be vacated for reasons therein stated; which were referred to the committee of privileges and elections.

Mr. CABELL presented a petition of Henry D. Warwick of the county of Amherst, praying for the passage of a law divorcing him from his wife Ann Eliza Warwick formerly Ann Eliza Ross, which was ordered to be referred to the committee for courts of justice.

Mr. CRUTCHFIELD from the committee of roads and internal navigation, presented the following bill:

No. 27.—A bill to incorporate the Daniels run and Hails ford turnpike company, which was laid upon the table.

A motion was made by Mr. M'CUE, (a member voting with the majority,) that the fifth rule of the house be suspended for the purpose of reconsidering the vote adopting the resolution that when the house adjourns on the 24th instant, it will with the consent of the senate adjourn until the 30th instant, and the question being put thereupon was determined in the affirmative.

On motion of Mr. JACKSON *of Wood* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Carpenter, M'Cue, Lockridge, Burwell of Bedford, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Kyle, Flood, Thornburg, Toler, Fox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Alderson, Payne, Howell, Hale, Wade of Franklin, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, Hamlett, Smith of Isle of Wight, Fontaine, Ewing, Beard, Ramey, Banks, Scott of Marshall, Smith of Mason and Jackson, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Aleshire, Hiner, Keen, Tallman, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Smith of Russell, Quillen, Conn, Bare, Griever, Spotts, Stephenson, Goodson, Jackson of Wood and Stanger—72.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, Stuart, Mitchell, Hunter, Meredith, Haskins, Corbin, Coleman, Cox, Roane, Powell, Marshall, Scott of Fauquier, Baker, M'Rae, Gregory, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Harrison, Lipscomb, Orgain, Taylor of Mathews and Middlesex, Baskerville, Goode, Hodges, Massie, Watts, Etheridge, Yerby, Fitzgerald, M'Connell, Hiden, May, Tunstall, Carroll of Preston, Venable, Roberts, Heath, Shipman, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince and Walker—55.

The said vote was then reconsidered, and on motion of Mr. BAYLY the said resolution was laid upon the table.

On motion of Mr. MAY, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a company to construct a rail-road from the coal mines of James H. Cox in Chesterfield county to some convenient point on Appomattox river, and that they have leave to report by bill or otherwise.

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Mr. MAY from the committee for courts of justice presented the following bills:

No. 28. A bill concerning special courts of appeals.

No. 29. A bill to provide for a revision of the laws.

No. 30. A bill concerning the estate of George E. Harrison deceased.

No. 31. A bill changing the time of holding the circuit superior court of Amherst.

No. 32. A bill to amend the act authorizing the sale of certain lands late the property of Cornelia Hopkins deceased.

Which were severally laid upon the table.

A motion was made by Mr. GOODE that the house adopt the following preamble and resolution:

Whereas this house on Saturday last adopted a resolution declaring that when this house adjourns on the 24th instant, it will adjourn to meet at 12 o'clock on the 30th instant, and sent the same to the senate for the concurrence of that body; and whereas the senate acting on the resolution under the constitution, agreed to the resolution of this house and signified their agreement in solemn form; and whereas doubts are entertained as to the power to rescind the said resolution:

Resolved therefore, That this house setting aside all its proceedings on the subject to-day, will when it adjourns on the 24th instant, adjourn till the 30th instant agreeably to the above recited resolution.

Thereupon Mr. TOLER proposed to amend the same by substituting therefor the following:

Resolved, That the resolution adopted by this house on Saturday the 14th instant declaring that when this house adjourn on the 24th instant, it will with the consent of the senate adjourn until the succeeding Monday, is not a joint resolution, and that this house may avail itself of the consent of the senate or not as it may think proper.

A motion was made by Mr. CRUTCHFIELD that the said resolution and proposed amendment be laid upon the table; and the question being put thereupon was determined in the negative.

On motion of Mr. GOODSON the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Bayly, Cropper, Southall, Wood, Cabell, Stuart, Myers of Berkeley, Hunter, Corbin, Coleman, Burwell of Clarke and Warren, Roane, Powell, Marshall, Scott of Fauquier, Hale, Wade of Franklin, Baker, Erskine, Taylor of Halifax, Clark of Halifax, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Harrison, Lipscomb, Smith of Mason and Jackson, Evans, Hodges, Etheridge, Yerby, Hudnall, Hiden, Aleshire, Tunstall, Keen, Carroll of Preston, Ratcliffe, Sturm, Robertson, Shipman, Conn, Crutchfield, Fitzhugh and Walker—54.

NOES—Messrs. Gilmer, (speaker,) Carpenter, M'Cue, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Cox, Broadus, Wilson, Whitworth, Crafford, Alderson, Howell, Byrd, King, Smith of Gloucester, Carroll of Grayson, Butts, Gibson, Allen of Hampshire, Seymour, Gregory, Ewing, Ramey, Orgain, Banks, Scott of Marshall, Baskerville, Goode, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Fitzgerald, M'Connell, Hiner, May, Tallman, Venable, Roberts, Heath, Walden, Dorman, Smith of Rockingham, Smith of Russell, Quillen, Griever, Ridley, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—63.

The question was then put upon the substitute and was determined in the negative.

The question was then put upon adopting the resolution as proposed by Mr. GOODE and was determined in the affirmative.

On motion of Mr. DORMAN the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, Mitchell, Hunter, Meredith, Haskins, Corbin, Coleman, Cox, Whitworth, Crafford, Roane, Powell, Marshall, Scott of Fauquier, Hale, Wade of Franklin, Baker, Guerrant, Erskine, Taylor of Halifax, Clark of Halifax, M'Rae, Gregory, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Ramey, Lipscomb, Orgain, Baskerville, Goode, Evans, Hodges, Massie, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Hiner, May, Tunstall, Keen, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Shipman, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince and Walker—66.

NOES—Messrs. Carpenter, M'Cue, Stuart, Burwell of Bedford, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Kyle, Flood, Thornburg, Toler, Fox, Burwell of Clarke and Warren, Broadus, Wilson, Alderson, Howell, Byrd, King, Smith of Gloucester, Carroll of Grayson, Butts, Gibson, Allen of Hampshire, Seymour, Armstrong, Hamlett, Smith of Isle of Wight, Ewing, Banks, Scott of Marshall, Smith of Mason and Jackson, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Aleshire, Tallman, Sturm, Walden, Robertson, Leyburn, Dorman, Smith of Rockingham, Smith of Russell, Quillen, Conn, Griever, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—62.

The preamble to the said resolution was then adopted.

On motion of Mr. RATCLIFFE the house adjourned until to-morrow twelve o'clock.

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TUESDAY, DECEMBER 17, 1839.

On motion of Mr. SMITH *of Isle of Wight*, *Resolved*, That the committee on agriculture and manufactures be instructed to enquire into the expediency of repealing all the laws providing for the inspection of tobacco.

On motion of Mr TAYLOR *of King George*, *Resolved*, That the committee of privileges and elections be instructed to enquire into the expediency of so amending the fourth section of the act, entitled "an act to amend an act, entitled 'an act concerning general elections in this commonwealth,'" passed 24th February 1834, as to provide for the appointment of superintendents of election at the courthouses of those counties in which no separate elections are held in like manner as is now provided in counties where there are separate elections.

On motion of Mr. GREGORY, That whereas the banks of this state have twice in a few years suspended specie payments and thereby caused great mischief and distress to all classes of the citizens of this commonwealth; and whereas it becomes the bounden duty of this legislature to enquire into the causes which have led to such frequent suspensions of specie payments by the banks, as well as to enquire into the propriety of changing the laws in relation to the existing banks by making such amendments and alterations in the same as will be likely to prevent another suspension, if that be possible, under the existing banking system of this state, or to adopt a system which would be calculated to insure the people of this state against loss in the event of a suspension of specie payments by the banks, or a total failure and breaking of them.

Resolved, That the committee on banks enquire what alteration in the existing laws is necessary to place banks on a more permanent footing under the present system than they have heretofore been; and that said committee also enquire into the expediency of chartering a bank with a certain fixed amount of capital and issues on the following basis: The stock to be owned entirely by individuals in such amounts as may by the legislature be deemed proper. The stockholders to issue notes as the banks now issue them to any amount they may choose, provided they do not exceed the capital of the bank, and the noteholder to have a right to demand specie for the note whenever he may choose; the payment of all the notes of the bank to be guaranteed to be paid in specie by the state. The stockholders to indemnify the state against loss or injury by giving her full and ample security either of real estate or state stocks to the amount of each separate stockholder's share of stock in the said bank; that upon failure of the bank to pay specie for its notes when demanded so to do, the holder of the same may cause said bank to be protested, and the note from that time shall bear an interest of cent. per annum. And upon the holder of such protested note giving notice of such protest to the governor or whatever person the legislature may appoint for the purpose, he shall within days from his receiving said notice cause so much of the property or stock as may have been conveyed to indemnify the state against loss, to be sold for specie, and the protested note or notes to be paid off and discharged. Or that the holder of such protested bank note shall be required to sue for the same in the manner that suit may be now brought on promissory notes, and recover the same with interest and cost from the date of the protest—for the payment of which judgment the state shall be bound, but to relieve itself shall have the right to sell so much of the property conveyed by the stockholders as may be necessary to pay the said judgment and indemnify her against loss and damage, and that the state shall have the right to sell the property of any one or more stockholders her officer may think proper, and the stockholder or stockholders whose property shall have been so sold, shall have a speedy legal remedy against his co-stockholders for indemnity and reimbursement. And that said committee have leave to report by bill or otherwise.

On motion of Mr. VENABLE the resolution submitted on the seventh instant by Mr. M'RAE, together with the amendment thereto proposed by Mr. JACKSON *of Wood*, was taken up, and the said amendment having been accepted by Mr. M'RAE, the resolution was adopted as follows:

Resolved, That the committee on banks be instructed to enquire into the causes which led to the recent suspension of specie payments by certain banks of this state; that said committee enquire into the condition and management of such banks, and the nature and measure of relief, if any, which it is proper to afford them; and that they also enquire how far the issue of bills over one and under five dollars will have a tendency to prevent or promote such a suspension in future.

On motion of Mr. ROBERTS, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a company to be called the Princess Anne canal company, to cut a canal in that county from Elizabeth river to North river, and to clean out and remove obstructions in the said rivers, as contemplated by the act passed February the 26th, 1839.

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a company in the county of Princess Anne to cut a canal from Kempsville on the Elizabeth river to Thuesden's bridge, or some point near it on the Lynhaven river.

On motion of Mr. SCOTT *of Fauquier*, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of amending the law concerning bail in civil cases, and providing by law for the registry of judgments and decrees in certain cases.

On motion of Mr. MAY, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of increasing the tolls of the Petersburg rail-road company, and that they have leave to report by bill or otherwise.

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On motion of Mr. POWELL, *Resolved*, That the committee for courts of justice be required to enquire into the expediency of enacting a law regulating the commission to be allowed commissioners appointed by the chancery courts of this commonwealth for the sale of real and personal estate, in order that the compensation throughout the state may be uniform, and that said committee report by bill or otherwise.

On motion of Mr. BROADUS, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so amending the tenth section of the act to provide for the opening and repair of the public roads in this commonwealth (passed March 3d, 1835) as to require that a majority of all the acting justices of the county be present when an order is made for building any bridge or causeway for which a levy on the tithes of the county is to be made.

On motion of Mr. JACKSON *of Wood*, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of authorizing the depositions of witnesses to be taken in cases where the witnesses may not reside in the county where the suit is pending in which they may be summoned.

On motion, *Ordered*, That leave of absence from the service of this house be granted to Mr. Baskerville from to-day until the third day of January next.

Mr. VENABLE presented a petition of Nathaniel Penick and others, praying that the Appomattox river from Morton's mill to Planterstown may be made a lawful fence, which was ordered to be referred to the committee of agriculture and manufactures.

Mr. BYRD presented a petition of citizens of the town of Winchester, praying a change in the wards of said town relative to the election of common councilmen; also an increase of the number of aldermen of said town, and that the amount of the debt of the corporation should be limited.

Mr. MITCHELL a petition of Howell Robinson, praying a divorce from his wife Elizabeth Robinson.

Also a petition of the said Elizabeth Robinson for a divorce from her husband.

Mr. WALDEN a petition of John Peyton, praying to have refunded him from the public treasury the amount of a fine imposed upon him by the circuit superior court of law and chancery for said county.

Mr. WADE *of Montgomery* a petition of the attorneys practising in the courts of the county of Pulaski, praying that the time of holding the quarterly courts of said county may be changed.

Which petitions were referred to the committee for courts of justice.

Mr. TAYLOR *of Halifax* presented a petition of the trustees of the Halifax academy praying an amendment to the act incorporating said academy.

Mr. ROBERTSON a petition of Fleming James and others, praying the incorporation of the Mercantile Library association of the city of Richmond.

Which petitions were referred to the committee of schools and colleges.

Mr. WADE *of Montgomery* also presented a petition of citizens of the county of Pulaski, asking to change the location of the courthouse of said county; which was referred to the committee of propositions and grievances.

Mr. CONN presented a petition of citizens of the county of Shenandoah, for an amendment to the law providing for the appointment of flour inspectors; which was referred to the committee of agriculture and manufactures.

Mr. WILSON from the committee of agriculture and manufactures presented the following bill:

No. 33. A bill to revive and amend the act incorporating the Madison manufacturing company.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented a report upon the petitions of Samuel Irwin and Joseph Caldwell.

Mr. MAY from the committee for courts of justice presented reports upon the resolution in relation to the manner of taking acknowledgment of deeds, and upon the resolution on the subject of the appointment of commissioners to celebrate the rites of matrimony; also upon petitions from the counties of Monongalia and Preston relative to the power of courts in certain cases; and of Samuel Daly for the sale of real estate; and the following bills:

No. 34. A bill concerning the collection of taxes, levies and poor rates; and

No. 35. A bill changing the time of holding the circuit superior court of Mecklenburg county.

Mr. STEPHENSON from the committee of claims presented the following bill:

No. 36. A bill concerning Squire Sayre.

Mr. TAYLOR *of Mathews and Middlesex* from the committee on the clerk's office presented a report upon the condition of the office.

Which bills and reports were received and laid upon the table.

No. 14. A bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within this commonwealth and for collecting the public revenue, was taken up on motion of Mr. DORMAN, read a second time, and sundry amendments made thereto.

A motion was then made by Mr. DORMAN further to amend the same by adding to the sixth section the following: "Nor shall any justice of the peace be appointed commissioner of the *revenue, if any other justice shall*

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have held the office in the same district or county for the year next preceding, unless such previous incumbent shall have died or removed from the commonwealth."

Mr. BAYLY proposed to amend the said amendment by striking therefrom all after the word *revenue* and inserting in lieu thereof, "unless it be to reappoint a justice already holding the office."

And the question being put upon adopting the said amendment to the amendment, was determined in the negative.

On motion of Mr. BANKS the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Bayly, Cropper, Cabell, Powell, Hale, King, Gregory, Wright, Tayloe of King George, Lipscomb, Banks, Scott of Marshall, Smith of Mason and Jackson, M'Connell, Hiden, Aleshire and Robertson—17.

NOES—Messrs. Gilmer, (speaker,) Southall, Carpenter, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Corbin, Coleman, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Scott of Fauquier, Alderson, Payne, Howell, Wade of Franklin, Baker, Byrd, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Kennedy, Reynolds, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Orgain, Taylor of Mathews and Middlesex, Goode, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger—106.

The question then recurred upon adopting the amendment offered by Mr. DORMAN, and was determined in the affirmative.

On motion of Mr. STEPHENSON the ayes and noes were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Corbin, Burwell of Clarke and Warren, Broadus, Wilson, Roane, Powell, Scott of Fauquier, Howell, Wade of Franklin, Baker, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Gregory, Worthington, Wright, Tayloe of King George, Fontaine, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Evans, Chapman, Wade of Montgomery and Pulaski, Hodges, Massie, Watts, Etheridge, Yerby, M'Connell, Aleshire, Hiner, May, Keen, Tallman, Carroll of Preston, Venable, Roberts, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Quillen, Conn, Griever, Crutchfield, Spotts, Walker, and Jackson of Wood—86.

NOES—Messrs. Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Coleman, Cox, Whitworth, Crafford, Alderson, Payne, Seymour, Hamlett, Kennedy, Reynolds, Tayloe of Lancaster and Richmond, Ewing, Goode, Clayton, Myers of Morgan, Hudnall, Fitzgerald, Tunstall, Heath, Sturm, Smith of Russell, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince, Stephenson, Goodson and Stanger—35.

On motion of Mr. DORMAN the bill as amended was laid upon the table.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented the following bill:

No. 37. A bill to amend the several acts concerning the Northwestern turnpike road; which was received and laid upon the table.

On motion of Mr. TAYLOR *of Halifax* the house adjourned.

WEDNESDAY, DECEMBER 18, 1839.

The speaker submitted a letter from the governor transmitting the annual report of the president and directors of the penitentiary institution for the present year, which on motion of Mr. DORMAN was laid upon the table and ordered to be printed. [Doc. No. 13.]

On motion of Mr. SPOTTS, *Resolved*, That the committee of agriculture and manufactures be instructed to enquire into the expediency of incorporating the Tazewell White sulphur springs, and that they have leave to report by bill or otherwise.

On motion of Mr. WATTS, *Resolved*, That the standing committee on banks be increased by the addition of two members.

The speaker announced the said members to be Messrs. Watts and Hodges.

On motion of Mr. BAKER, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of considering all roads that may be stopped for one year without objection by writ-

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ten notice from some person within the year, no longer public roads, and that said committee have leave to report by bill or otherwise.

On motion of Mr. WORTHINGTON, *Resolved*, That the committee for courts of justice enquire into the expediency of providing by law that copies of the record of causes in the court of appeals shall be printed, and that said committee report by bill or otherwise such rules or regulations relative thereto as may be deemed proper.

On motion of Mr. RAMEY, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so altering the law respecting grand and petit jurors that jurors in all cases may receive a compensation for their services; and that said committee have leave to report by bill or otherwise.

On motion of Mr. SOUTHALL, *Ordered*, That leave be granted to the committee of privileges and elections to sit during the session of this house on this day.

On motion of Mr. CRUTCHFIELD, *Ordered*, That the committee of roads and internal navigation be discharged from the consideration of the petition of Thomas H. List and others, and that the same be referred to the committee for courts of justice.

Mr. VENABLE from the committee on banks presented a report relative to the payment of the interest on the state debt in specie.

Mr. MAY from the committee for courts of justice presented the following bills:

No. 38. A bill requiring certain duties therein mentioned of the court of appeals and general court.

No. 39. A bill concerning the county and corporation courts; and

No. 40. A bill concerning the Fauquier and Alexandria turnpike road.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented the following bill:

No. 41. A bill to authorize two separate elections in the county of Loudoun and one in the county of Halifax.

Which reports and bills were laid upon the table.

Mr. MASSIE presented a petition of citizens of the county of Nelson for the establishment of a separate election in said county, which was ordered to be referred to the committee of propositions and grievances.

Mr. SPOTTS presented a petition of E. G. Harman late deputy sheriff of the county of Tazewell, complaining that by an error in the commissioner's books of 1829 he paid into the treasury of the state a sum beyond the amount actually collected by him, and praying that the same may be refunded; which was ordered to be referred to the committee of finance.

Mr. LEYBURN presented a petition of citizens of the county of Rockbridge for the incorporation of a joint stock company for the improvement of the North river in said county, which was referred to the committee of roads and internal navigation.

Mr. HIDEN presented a petition of citizens of the counties of Orange and Madison, asking the passage of an act declaring the Rapid Anne river a lawful fence, which was ordered to be referred to the committee of agriculture and manufactures.

No. 14. A bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within this commonwealth and for collecting the public revenue, was taken up on motion of Mr. DORMAN and further amended on motions severally made, and thereupon the same as amended was again ordered to be laid upon the table.

On motion of Mr. POWELL, *Ordered*, That leave be given to bring in a bill to amend an act, entitled "an act to prevent the destruction of wild fowl in the counties of Accomack and Fairfax," passed April 9th, 1839, and that Messrs. Powell, Bayly, Cropper, Yerby and Ratcliffe bring in the same.

No. 4. An engrossed bill to incorporate the Ligon coal mining company was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 15. A bill amending and reducing into one the several acts and parts of acts concerning the taxes on licenses to keepers of ordinaries and houses of private entertainment, to merchants, to vendue masters, to brokers, to venders of lottery tickets, to hawkers and pedlars, to exhibitors of public shows, on law process, on notarial seals, and certain other subjects, was laid upon the table.

No. 5. A bill concerning the killing of deer was read a second time, and on motion of Mr. MAY ordered to be committed to the committee for courts of justice.

On motion of Mr. ALDERSON, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so amending the act, entitled "an act authorizing the appointment of commissioners in certain cases to celebrate the rites of marriage," passed the 20th of December 1830, as to authorize the appointment of a greater number of commissioners than as therein limited, and that they have leave to report by bill or otherwise.

On motion of Mr. WORTHINGTON, *Resolved*, That the committee for courts of justice enquire into the propriety of so amending the 8th section of the act passed February 24th, 1819, entitled "an act to reduce into one act the several acts for regulating conveyances and concerning wrongful alienations," as to provide that the list of deeds required by that act to be set up at the door of the courthouse shall include all deeds admitted to record in the several county and corporation courts of this commonwealth, and that said committee report by bill or otherwise.

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Mr. CARROLL *of Grayson* presented a petition of the officers of the 152d regiment of militia, asking to change the place of training of said regiment.

Mr. KING a petition of Thomas Beasly a free man of colour that the county court of Giles county may be authorized to grant him the privilege of keeping and using a firelock.

The said petitions were referred to the committee on the militia laws.

Mr. SOUTHALL from the committee of privileges and elections presented a report upon the memorial of Elbert H. Caldwell complaining of the undue election of John Scott the delegate from the county of Marshall, which was laid upon the table.

No. 6. A bill discharging Lillburn otherwise called Lillburn Pleasants from the penitentiary, was read a second time, amended on motion of Mr. MAY, and ordered to be engrossed and read a third time.

No. 7. A bill divorcing Virginia F. C. Crawford from her husband William A. R. Crawford.

No. 8. A bill concerning attorneys' fees; and

No. 9. A bill to change the place of the training of the officers of the 96th regiment Virginia militia, were severally read the second time and ordered to be engrossed for a third reading.

The following bills were read the first and ordered to be read a second time:

No. 12. A bill changing the time of holding the fall term of the circuit superior court of Culpeper.

No. 13. A bill to authorize a separate election at Millford in the county of Harrison.

No. 16. A bill divorcing Janetta P. Allen from her husband Robert S. Allen.

No. 17. A bill changing the time of holding the circuit superior court of law and chancery for the county of Greenbrier.

No. 18. A bill divorcing Asahel Joyner from his wife Julia Ann.

No. 19. A bill divorcing Thomas Prickett from his wife Elizabeth.

No. 20. A bill divorcing Joel Ferguson from his wife Elizabeth; and

No. 23. A bill concerning certain loans heretofore authorized for the Northwestern turnpike road.

No. 21. A bill concerning western land titles was read the first and on motion of Mr. MAY the second time; thereupon an amendment was submitted by him, and on motion of Mr. JACKSON *of Wood* the bill and amendment were committed to the committee which brought it in.

No. 22. A bill authorizing James M. Smith to erect a wharf on a part of the public landing on the east side of Coan river in the county of Northumberland was read the first and on motion of Mr. MAY the second time, and committed to the committee for courts of justice.

The following reports of the committee for courts of justice were read:

The committee for courts of justice have according to order enquired into the propriety of repealing the act, entitled "an act concerning apprentices bound out by overseers of the poor," passed April 6th, 1839: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to repeal the said act.

The committee for courts of justice have according to order had under consideration the petition of William Drummond and Elizabeth Overby, to them referred, praying that the names of John Jones Overby and Jonah Overby may be changed to that of Drummond, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected, the circuit superior courts of law and chancery of the commonwealth by an act of the last session having been clothed with full power in such cases.

The committee for courts of justice have according to order enquired into the expediency of furnishing the mayors and recorders of the incorporated towns of this commonwealth with copies of the laws as justices of the peace are now furnished with the same: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to furnish the mayors and recorders of incorporated towns with the copies of the laws aforesaid.

The said resolutions were agreed to by the house, an *unsuccessful* motion having been made by Mr. RAMEY to amend the last resolution so as to reverse the decision of the committee.

A further report of said committee rejecting the petition of Samuel Lyle and others, was on motion of Mr. VENABLE laid upon the table.

A report of the committee of finance was read as follows:

The committee of finance have according to order had under consideration the petition of R. G. Baylor, sheriff of Norfolk county, to them referred, praying that he be allowed to make his return for the year 1838 of his list of land and lots delinquent for non-payment of taxes at the same time that he makes his return for the present year: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petition be rejected, inasmuch as the act of March 20th, 1838, authorizes the auditor to grant the relief asked for.

The said resolution was agreed to.

On motion of Mr. LOCKRIDGE the house adjourned.

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THURSDAY, DECEMBER 19, 1839.

On motion of Mr. CRUTCHFIELD, *Resolved*, That the committee of agriculture and manufactures enquire into the expediency of incorporating the Hot springs company in the county of Bath.

On motion of Mr. STEPHENSON, *Resolved*, That in future all bills of a general nature shall after their first reading be printed for the use of the house.

On motion of Mr. POWELL, *Resolved*, That the committee on the militia laws be required to enquire into the expediency of bringing in a bill to amend an act, entitled "an act requiring certain duties of brigadier generals," passed March 20th, 1839, to require of the commandants of regiments of this commonwealth to give due notice to the brigadier generals of their divisions of the time and place of holding the regimental musters of their respective regiments, and that said committee report to this house.

Mr. CLAYTON presented a petition of citizens of the counties of Monongalia and Harrison praying that a new county may be formed out of parts of said counties, which was referred to the committee of propositions and grievances.

Mr. MAY from the committee for courts of justice presented reports upon the petitions of William Pankey's executor for the sale of real estate; of Howel Robinson and wife; and of Martha a free woman of colour; also the following bills:

No. 42. A bill changing the time of holding the circuit superior court of Randolph county.

No. 43. A bill divorcing Charlotte F. Helm from her husband Henry P. Helm.

No. 44. A bill changing the time of holding the circuit superior court of Buckingham county; and

No. 45. A bill concerning witnesses in civil cases.

Mr. VENABLE from the committee on banks presented the following bill:

No. 46. A bill incorporating the Salem savings institution, society or bank.

Mr. WORTHINGTON presented a petition of the judge, members of the bar and officers of the circuit superior court of law and chancery for Jefferson county praying a change in the time of holding said court, which was referred to the committee for courts of justice.

Mr. RAMEY presented a petition of citizens of the county of Loudoun for the passage of an act making special provisions for regulating the roads in said county, which was referred to the committee of roads and internal navigation.

No. 6. An engrossed bill discharging Lillburn, otherwise called Lillburn Pleasants from the penitentiary, was read a third time, and on motion of Mr. ROBERTSON laid upon the table and ordered to be printed.

No. 7. An engrossed bill divorcing Virginia F. C. Crawford from her husband William A. R. Crawford, was read a third time, and the question being put upon its passage was determined in the affirmative.

On motion of Mr. VENABLE the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Cropper, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Crafford, Roane, Powell, Scott of Fauquier, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, King, Smith of Gloucester, Carroll of Grayson, Erskine, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, M'Rae, Hamlett, Worthington, Reynolds, Wright, Fontaine, Ewing, Lawson, Beard, Ramey, Lipscomb, Banks, Scott of Marshall, Smith of Mason and Jackson, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Mongan, Massie, Yerby, Fitzgerald, M'Connell, Hiden, May, Tunstall, Keen, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Smith of Rockingham, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Spotts, Stephenson, Walker, and Jackson of Wood—90.

NOES—Messrs. Gilmer, (speaker,) Bayly, Southall, Burwell of Bedford, Haskins, Coleman, Whitworth, Marshall, Howell, Gibson, Seymour, Armstrong, Smith of Isle of Wight, Gregory, Tayloe of King George, Tayloe of Lancaster and Richmond, Harrison, Orgain, Taylor of Mathews and Middlesex, Goode, Hodges, Watts, Hudnall, Aleshire, Hiner, Tallman, Venable, Roberts, Heath, Shipman, Crutchfield, Prince, Goodson and Stanger—34.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The following engrossed bills were read and passed:

No. 9. A bill concerning attorneys' fees; and

No. 10. A bill to change the place of the training of the officers of the ninety-fifth regiment of Virginia militia.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The following bills were read the second time and ordered to be engrossed and read a third time:

No. 12. A bill changing the time of holding the fall term of the circuit superior court of Culpeper.

No. 13. A bill to authorize a separate election at Milford in the county of Harrison.

No. 16. A bill divorcing Janetta P. Allen from her husband Robert S. Allen.

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No. 17. A bill changing the time of holding the circuit superior court of law and chancery for the county of Greenbrier.

No. 18. A bill divorcing Asahel Joyner from his wife Julia Ann.

No. 19. A bill divorcing Thomas Prickett from his wife Elizabeth; and

No. 20. A bill divorcing Joel Ferguson from his wife Elizabeth.

No. 23. A bill concerning certain loans heretofore authorized for the Northwestern turnpike road was read a second time, and on motion of Mr. SMITH *of Isle of Wight* laid upon the table.

No. 24. A bill concerning the jurisdiction of circuit superior courts was read the first, and on motion of Mr. JACKSON *of Wood* the second time; thereupon an amendment was submitted thereto by him, and the said bill and proposed amendment were on his motion ordered to be committed to the committee which brought it in.

The following bills were read the first and ordered to be read a second time:

No. 25. A bill prescribing the punishment for poisoning or attempting to poison.

No. 26. A bill to incorporate the Clover hill coal mining and manufacturing company.

No. 27. A bill to incorporate the Daniel's run and Hail's ford turnpike company.

No. 28. A bill concerning special courts of appeals.

No. 29. A bill to provide for the revision of the laws.

No. 30. A bill concerning the estate of George E. Harrison deceased.

No. 31. A bill changing the time of holding the circuit superior court of Amherst county.

No. 32. A bill to amend the "act authorizing the sale of certain lands late the property of Cornelia Hopkins deceased;" and

No. 33. A bill to revive and amend the act incorporating the Madison manufacturing company.

A report of the committee on banks reporting it inexpedient to exonerate the Merchants and Mechanics Bank at Wheeling from the penalties of the law in case of a suspenson of specie payments was on motion of Mr. LEE laid upon the table.

A report of the committee of claims rejecting the petition of Philip Nelson was on motion of Mr. BURWELL *of Clarke and Warren* ordered to be recommitted.

A report of the committee of propositions and grievances rejecting the petition of Samuel Irwin and Joseph Caldwell was on motion of Mr. STEPHENSON ordered to be laid upon the table.

A report of the committee for courts of justice upon the subject of the appointment of commissioners to celebrate the rites of matrimony in the counties of Fayette and Nicholas was on motion of Mr. MAY ordered to be laid upon the table.

The following reports of the committee for courts of justice were read:

The committee for courts of justice have according to order enquired into the expediency of changing the law so as to authorize a single justice of the peace to certify the acknowledgment of deeds: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to make the proposed change.

The committee for courts of justice have according to order had under consideration the petition of Samuel Daly to them referred, praying the passage of a law authorizing the sale of certain real estate therein mentioned, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have according to order had under consideration the petitions of sundry citizens of the counties of Monongalia and Preston to them referred, praying that the power heretofore conferred on the judges to affix additional punishment to that inflicted by the jury in criminal cases may be taken away, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petitions be rejected.

The said resolutions were severally agreed to.

No. 34. A bill concerning the collection of taxes, levies and poor rates, was read the first and on motion of Mr. MAY the second time, and ordered to be committed to the committee of finance.

On motion of Mr. Fox the house adjourned.

FRIDAY, DECEMBER 20, 1839.

On motion of Mr. WILSON, *Resolved*, That the committee for agriculture and manufactures be instructed to enquire into the expediency of incorporating the Bradford coal mining company in the county of Goochland, and that they have leave to report by bill or otherwise.

On motion of Mr. RATCLIFFE, *Resolved*, That the committee for courts of justice be instructed to enquire into the propriety of extending the jurisdiction of justices of the peace to actions of trespass to real and personal property where the damages do not exceed the sum of dollars.

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On motion of Mr. Scott *of Fauquier*, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of repealing so much of the first section of the law concerning attachments against non-residents as requires non-resident defendants to give security for the performance of the decree, and that they have leave to report by bill or otherwise.

The speaker laid before the house a letter from Josiah Holleman the president of the board of principal assessors, enclosing a resolution of the board with a report of a committee of that board, which committee were appointed to examine the charters of joint stock and other incorporated companies, in order that some amendatory or explanatory legislation may be had thereupon; which letter and accompanying report were on motion of Mr. Dorman laid upon the table and ordered to be printed. [Doc. No. 14.]

Mr. May from the committee for courts of justice reported with amendments the following bill:

No. 21. A bill concerning western land titles.

He also presented reports upon the petition of Henry D. Warwick; and upon the resolution concerning commissions on amount of sales under decrees.

And presented the following bills:

No. 47. A bill changing the time of holding the quarterly courts of the county of Pulaski.

No. 48. A bill concerning levies for the building of bridges and causeways.

No. 49. A bill concerning executions and new trials in cases upon warrants; and

No. 50. A bill concerning John Peyton jr.

Mr. Crutchfield from the committee of roads and internal navigation presented reports upon the resolutions concerning a survey of Craig's creek; upon the expediency of incorporating the Princess Anne canal company; and upon the expediency of incorporating a company to cut a canal from Kempsville in Princess Anne to Thuesden's bridge; and upon the petition of sundry citizens of Rockbridge county.

Mr. Southall from the committee of privileges and elections presented the following bills:

No. 51. A bill to change the time of holding the general elections in this commonwealth; and

No. 52. A bill to amend an act, entitled "an act concerning general elections in this commonwealth."

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented the following bill:

No. 53. A bill annexing a part of the county of Mercer to the county of Giles.

Mr. Southall presented a petition of citizens of the town of Scottsville for the location of a branch bank or agency of the Exchange Bank or Bank of Virginia at the said town; which was referred to the committee on banks.

Mr. Beard presented a petition of citizens of the county of Loudoun for a revisal and amendment of the road-laws of the commonwealth, which was ordered to be referred to the committee of roads and internal navigation.

On motion of Mr. Southall, *Resolved*, That when this house adjourns to-day it will adjourn until to-morrow morning ten o'clock.

On motion of Mr. Southall the report of the committee of privileges and elections upon the memorial of Elbert H. Caldwell, complaining of the undue election of John Scott, the delegate returned from the county of Marshall to the present house of delegates, was taken up.

On motion of Mr. Southall, *Resolved*, That Elbert H. Caldwell be admitted at the bar of this house to be heard upon the subject matter of said report. The said report contained a preamble relative to the notice furnished by the petitioner to the returned member of his intention to contest his election, in which notice the votes of Thomas Clegg and others were objected to in these words, "not qualified to vote according to the constitution and laws of Virginia;" to which objection Mr. Scott objected as being too general and therefore not such a notice as the law requires. The committee overruled the objection and proceeded to examine the evidence adduced by the parties to this contest.

On motion of Mr. Southall the following resolution was inserted as an amendment to said report at the end of the said preamble:

"*Resolved*, That the objection of the contesting candidate annexed to the list and names of voters challenged on the poll of the returned member in these words to wit, 'not qualified to vote according to the constitution and laws of Virginia,' is sufficient unless the objection to any voter or voters is that he or they labour under some express personal disability according to the provisions of the constitution."

The first resolution declaring the votes of John Allen and seven others to be illegal, was then agreed to.

The second resolution was read as follows:

In relation to the votes of the said Thomas Clegg, John Henderson, John Rogerson, Francis Campbell and Charles M'Keneghan, the memorialist admits that each of them possesses some one of the constitutional qualifications to exercise the right of suffrage if they were citizens, but he objects to them as not being citizens of the United States.

By the deposition of the said Thomas Clegg, it appears "that he was born in Ireland and emigrated to the United States in 1792, forty-seven years ago, that he was then about nine or ten years of age; that he came with his father, but does not know whether his father was naturalized or not; that he had advised with the

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sheriff of Ohio county several years ago upon the propriety of taking the oath of allegiance who told him that it was not necessary, in consequence of his having served a tour in the army; that he served in the late war, and was at Norfolk under capt. John Bowest." By this testimony it is seen that Thomas Clegg is not a citizen of the United States, not having made the declaration and taken the oath required by law:

Resolved therefore as the opinion of this committee, That the vote of the said Thomas Clegg is illegal.

A motion was made by Mr. LEE to amend the said resolution by substituting therefor the following:

"*Resolved*, That the notice of the contesting candidate in the general terms, 'not qualified to vote according to the constitution and laws of this state' is not sufficient to raise the question of alienage or other personal disability of the voter."

A motion was then made by Mr. SMITH *of Isle of Wight* to amend the said amendment by substituting the following:

"*Resolved*, That the notice does not make it incumbent on the sitting member to prove the voter is a citizen."

And the amendment to the amendment being under discussion,

On motion of Mr. CHAPMAN the house adjourned.

SATURDAY, DECEMBER 21, 1839.

On motions severally made, *Ordered*, That leave of absence from the service of this house be granted to Messrs. Wood and Venable from this day until the 24th instant inclusive.

On motion of Mr. STEPHENSON, *Resolved*, That the committee of roads and internal navigation enquire into the expediency of refunding to James G. West of the county of Tyler the sum of $305 76, expended by him in completing the construction of the road from Middlebourn in the county of Tyler to the Pennsylvania line authorized by the act of March 1831.

Mr. STEPHENSON presented several documents connected with the said claim, which were ordered to be referred to the same committee.

Mr. WATTS from the committee on the militia laws presented the following bill:

No. 54. A bill to establish a company of light infantry in the city of Richmond.

Mr. POWELL according to order presented the following bill:

No. 55. A bill concerning the destruction of wild fowl in the counties of Accomack and Fairfax.

Mr. GOODE from the committee of schools and colleges presented a report upon the petition of citizens of the county of Elizabeth City relative to the Hampton academy.

Mr. TOLER presented a petition of the board of trustees of the Union academy in Campbell county for an amendment of the act incorporating said academy.

Also a petition of the trustees of the Concord female seminary for the passage of an act incorporating said seminary.

Ordered, That said petitions be referred to the committee of schools and colleges.

On motion of Mr. SOUTHALL the report of the committee of privileges and elections upon the memorial of Elbert H. Caldwell, complaining of the undue return of John Scott, as a member of this house from the county of Marshall, was taken up together with the amendment offered by Mr. LEE to the second resolution of the committee and the amendment thereto proposed by Mr. SMITH *of Isle of Wight;* and Mr. SMITH *of Isle of Wight* having withdrawn his proposed amendment with the consent of the house, and Mr. LEE having in like manner varied his proposition so as to propose it as an independent resolution to precede the report of the committee upon the subject of the vote of Thomas Clegg and others, the question recurred upon the adoption of the said resolution.

It is the following: *Resolved*, That the notice of the contesting candidate in the general terms, "not qualified to vote according to the constitution and laws of this state" is not sufficient to raise the question of the alienage or other personal disability of the voter.

A motion was made by Mr. ROBERTSON to amend the said resolution by adding thereto, "so as to make it incumbent on the member claiming the vote to prove that the voter is a citizen."

And the question being for some time under discussion, the previous question was demanded by Mr. RATCLIFFE, and having been sustained by the house, the vote was taken upon the said amendment to the amendment, and was determined in the negative.

On motion of Mr. COLEMAN the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Bayly, Watts, Robertson, Stephenson, and Jackson of Wood—5.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Carpenter, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Thornburg, Toler, Fox, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Whitworth, Crafford, Roane, Powell, Marshall, Scott of Fauquier, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker,

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Byrd, King, Smith of Gloucester, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Yerby, Hudnall, Fitzgerald, M'Connell, Hiden, Aleshire, May, Tunstall, Keen, Tallman, Carroll of Preston, Roberts, Heath, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Crutchfield, Fitzhugh, Prince, Spotts, Walker and Stanger—105.

The question then recurred upon adopting the resolution of Mr. LEE, and the previous question having been demanded by Mr. BUTTS and being sustained by the house, the vote was taken and determined in the negative.

On motion of Mr. JACKSON *of Wood* the ayes and noes were recorded as follow:

AYES—Messrs. Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Gregory, Wright, Fontaine, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Hiden, Aleshire, Hiner, Carroll of Preston, Heath, Ratcliffe, Sturm, Robertson, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Prince, Spotts, Jackson of Wood, and Stanger—55.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Toler, Fox, Coleman, Cardwell, Broadus, Whitworth, Crafford, Roane, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Lawson, Beard, Ramey, Harrison, Evans, Hodges, Watts, Yerby, Fitzgerald, M'Connell, May, Tunstall, Keen, Tallman, Roberts, Walden, Leyburn, Dorman, Crutchfield, Stephenson and Walker—66.

The second resolution of the committee was read as follows:

In relation to the votes of the said Thomas Clegg, John Henderson, John Rogerson, Francis Campbell and Charles M'Keneghan, the memorialist admits that each of them possesses some one of the constitutional qualifications to exercise the right of suffrage if they were citizens, but he objects to them as not being citizens of the United States.

By the deposition of the said Thomas Clegg it appears "that he was born in Ireland, and emigrated to the United States in 1792, forty-seven years ago—that he was then about nine or ten years of age—that he came with his father, but does not know whether his father was naturalized or not—that he had advised with the sheriff of Ohio county several years ago upon the propriety of taking the oath of allegiance, who told him that it was not necessary in consequence of his having served a tour in the army—that he served in the late war, and was at Norfolk under captain John Bowest." By this testimony it is seen that Thomas Clegg is not a citizen of the United States, not having made the declaration and taken the oath required by law:

Resolved therefore as the opinion of this committee, That the vote of the said Thomas Clegg is *illegal*.

The question was put upon agreeing to the said resolution and was determined in the affirmative.

On motion of Mr. BYRD the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Cropper, Southall, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Toler, Fox, Coleman, Cardwell, Broadus, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Goode, Evans, Hodges, Watts, Yerby, Fitzgerald, M'Connell, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Griever, Crutchfield, Spotts, Stephenson, Walker, and Jackson of Wood—60.

NOES—Messrs. Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Crafford, Powell, Howell, Baker, Byrd, King, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Hiden, Aleshire, Hiner, May, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Prince, Goodson and Stanger—55.

The third resolution declaring the vote of John Henderson illegal;

The fourth declaring the vote of Francis Campbell illegal;

The fifth declaring the vote of John Rogerson illegal;

The sixth declaring the vote of Charles M'Kenneghan illegal, were severally agreed to.

The seventh resolution declaring the vote of Jacob Cofield illegal was passed over for the present on motion of Mr. CHAPMAN.

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The eighth resolution declaring the vote of Robert Rush illegal was also agreed to.

The ninth resolution is the following:

In relation to the votes of the said William H. Kirkman, Joshua Burge, James Criswell, Edward Wilkinson and William Travis, it appears by their own depositions that they were upwards of twenty-one years old at the last election in the county of Marshall—had been housekeepers and heads of families more than twelve months preceding said election—had been assessed with a part of the revenue of the commonwealth for the year 1838, and had paid the same before they voted. By reference to the property book of the said county for the year 1838, it appears that they were assessed with a part of the revenue, and by reference to the list of delinquents returned to the auditor of public accounts by the sheriff of said county for the said year, it appears that the said Kirkman, Burge, Criswell and Travis were returned delinquent.

Resolved therefore, That the votes of the said William H. Kirkman, Joshua Burge, James Criswell, Edward Wilkinson and William Travis are illegal.

The said resolution having been for some time under discussion, the previous question was demanded by Mr. Byrd, and being sustained by the house, the question was put thereupon and was determined in the negative.

On motion of Mr. Chapman the ayes and noes thereupon were recorded as follow:

Ayes—Messrs. Southall, M'Cue, Stuart, Burwell of Bedford, Myers of Berkeley, Hunter, Kyle, Toler, Fox, Coleman, Cardwell, Broadus, Roane, Marshall, Scott of Fauquier, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Evans, Hodges, Watts, Yerby, M'Connell, Keen, Tallman, Roberts, Walden, Leyburn, Dorman, Crutchfield, Stephenson, Walker, and Jackson of Wood—48.

Noes—Messrs. Gilmer, (speaker,) Cropper, Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Whitworth, Crafford, Powell, Payne, Howell, Baker, Byrd, King, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Gregory, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, May, Tunstall, Carroll of Preston, Heath, Ratcliffe, Sturm, Robertson, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Prince, Spotts, Goodson and Stanger—67.

On motion of Mr. Crutchfield the further consideration of the said report was postponed until Tuesday the 31st instant.

On motion of Mr. Crutchfield, *Resolved*, That when this house adjourns to-day it will adjourn until Monday twelve o'clock.

And then on his motion the house adjourned.

MONDAY, December 23, 1839.

On motion of Mr. M'Connell, *Resolved*, That the committee of schools and colleges be directed to enquire into the propriety of releasing all the right and interest of the commonwealth in any vacant and ungranted lands to the respective counties in which the same are situated for the purposes of education and of devoting the same exclusively to that object.

On motion of Mr. Dorman, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of requiring the presidents and directors of turnpike companies obtaining the leave of the county courts before they appropriate the public roads established by law to the uses of such companies.

Mr. May from the committee for courts of justice reported with amendments the following bills:

No. 5. A bill concerning the killing of deer.

No. 24. A bill concerning the jurisdiction of circuit superior courts; and presented

No. 56. A bill providing for the arrest and detention of fugitives from justice from other states.

Mr. Crutchfield from the committee of roads and internal navigation presented the following bills:

No. 57. A bill to amend the act, entitled "an act declaring Greenbrier river a public highway;" and

No. 58. A bill incorporating the Winterpock rail-road company.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented the following bills:

No. 59. A bill to amend and explain the act, entitled "an act establishing the county of Pulaski of parts of the counties of Montgomery and Wythe;" and

No. 60. A bill incorporating the Western insurance company.

And a report upon the petition of Abram. B. Hooe.

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Mr. STEPHENSON presented sundry documents to be used as evidence in the contested election from the county of Monongalia, which were referred to the committee of privileges and elections.

Mr. MAY presented a petition of Susan C. Botts praying a release of the commonwealth's right to a lot in the town of Petersburg.

Mr. ROBERTSON a petition of Harriet H. Perry to be divorced from her husband William Perry.

Which petitions were referred to the committee for courts of justice.

Mr. HASKINS presented a petition of citizens of the town of Lawrenceville in the county of Brunswick for authority to discontinue a street in said town and to open another.

Mr. M'CUE a petition of citizens of the county of Augusta to change the place of holding a separate election in said county.

Which petitions were referred to the committee of propositions and grievances.

Mr. GIBSON presented a petition of citizens of the county of Hampshire to incorporate a company for the construction of a turnpike road from Moorfield in the county of Hardy, down the valley of Patterson's creek, to the mouth of said creek in the county of Hampshire, which was referred to the committee of roads and internal navigation.

No. 23. A bill concerning certain loans heretofore authorized for the Northwestern turnpike road, was taken up on motion of Mr. GIBSON and read a second time; thereupon a motion was made by Mr. SMITH *of Isle of Wight* that the same be recommitted, with instructions to the committee so to amend it as to provide for raising the money proposed to be borrowed by a sale of bank stock belonging to the fund for internal improvement.

And the question being put upon the said proposition was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Roane, Powell, Smith of Gloucester, Taylor of Halifax, Smith of Isle of Wight, Fontaine, Scott of Marshall, Wade of Montgomery and Pulaski, Hudnall, Ratcliffe, Ridley, Prince and Walker—13.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Carpenter, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Haskins, Kyle, Thornburg, Toler, Fox, Coleman, Cox, Burwell of Clarke and Warren, Broadus, Alderson, Payne, Howell, Hale, Byrd, King, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Worthington, Reynolds, Ewing, Lawson, Beard, Ramey, Harrison, Orgain, Banks, Smith of Mason and Jackson, Clayton, Evans, Chapman, Myers of Morgan, Allyn of Norfolk borough, Fitzgerald, M'Connell, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Roberts, Heath, Sturm, Robertson, Snyder, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—83.

The said bill was then ordered to be engrossed and read a third time.

The following engrossed bills were read the third time and passed, viz:

No. 12. A bill changing the time of holding the fall term of the circuit superior court of Culpeper.

No. 13. A bill to authorize a separate election at Milford in the county of Harrison.

No. 17. A bill changing the time of holding the circuit superior court of law and chancery for the county of Greenbrier.

No. 18. A bill divorcing Asahel Joyner from his wife Julia Ann.

No. 19. A bill divorcing Thomas Prickett from his wife Elizabeth.

No. 20. A bill divorcing Joel Ferguson from his wife Elizabeth.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

An engrossed bill divorcing Janetta P. Allen from her husband Robert S. Allen was on motion of Mr. MAY laid upon the table.

No. 21. A bill concerning western land titles with the amendment thereto proposed by the committee for courts of justice, was on motion of Mr. MAY laid upon the table and ordered to be printed.

The following bills were read a second time and ordered to be engrossed and read a third time, viz:

No. 25. A bill prescribing the punishment for poisoning or attempting to poison.

No. 26. A bill to incorporate the Clover hill coal mining and iron manufacturing company.

No. 28. A bill concerning special courts of appeals.

No. 30. A bill concerning the estate of George E. Harrison deceased.

No. 31. A bill changing the time of holding the circuit superior court of Amherst county.

No. 32. A bill to amend the act authorizing the sale of certain lands late the property of Cornelia Hopkins deceased; and

No. 33. A bill to revive and amend the act incorporating the Madison manufacturing company.

No. 27. A bill to incorporate the Daniel's run and Hail's ford turnpike company was read a second time, amended on motion of Mr. BURWELL *of Bedford*, and as amended ordered to be engrossed and read a third time.

No. 29. A bill to provide for a revision of the laws was read a second time, amended on motion of Mr. MAY, and a further amendment having been offered by Mr. CRUTCHFIELD, the said bill and amendment was ordered to be laid upon the table on motion of Mr. SMITH *of Isle of Wight*.

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No. 37. A bill to amend the several acts concerning the Northwestern turnpike road was read the first and on motion of Mr. GIBSON the second time, and ordered to be committed to the committee which brought it in.

The following bills were read the first and ordered to be read a second time, viz:

No. 35. A bill changing the time of holding the circuit superior court of Mecklenburg county.

No. 36. A bill concerning Squire Sayre; and

No. 38. A bill requiring certain duties therein mentioned of the court of appeals and general court.

The following report was read and ordered to be laid upon the table:

The committee appointed to examine the clerk's office have in obedience to order performed that duty, and report,

That they have examined with care into the condition of the books and papers of the office and find them neatly and systematically arranged, so as to afford a ready and convenient reference thereto.

That the enrolled bills for each year are carefully preserved in separate tin cases, and upon examination of some of them the most ancient were found in a good state of preservation. The original petitions, executive communications, resolutions and rough bills, were also found to be filed in regular succession and in neat order. The journals of the house up to the present time were also found carefully bound and in like good condition. Your committee also find that the clerk has complied with the law requiring schedules of petitions and an index of the journal to be made out.

All which is respectfully submitted.

The following resolution of the committee on banks was read and agreed to:

Resolved, That the committee on banks not considering the provisions of the act of the 28th March 1838, entitled "an act to provide for the payment of the interest on the public debt in specie or its equivalent, allowing to the banks a credit in account with the commonwealth for whatever premium or discount the said banks may be subjected to by payment of the interest on the state debt in specie" to have been affected by the late act entitled "an act for the temporary relief of the banks of this commonwealth," passed December 11th, 1839, asks to be discharged from further consideration of the resolution referred to them on that subject.

On motion of Mr. CHAPMAN the house adjourned until to-morrow twelve o'clock.

TUESDAY, DECEMBER 24, 1839.

A motion was made by Mr. M'RAE that the house adopt the following resolution:

Resolved, That all reports of the committee of privileges and elections on the subject of contested elections shall be printed with as little delay as possible, and one copy of such report furnished to each member of this house.

On motion of Mr. STEPHENSON, *Ordered*, That the said resolution be laid upon the table.

On motion of Mr. M'CONNELL, *Resolved*, That the committee on agriculture and manufactures be directed to enquire into the propriety of incorporating the Western Virginia silk and agricultural society.

On motion of Mr. JACKSON *of Wood*, *Resolved*, That the committee of roads and internal navigation enquire into the expediency of incorporating a company to make a road from Elizabeth in the county of Wood to intersect the Staunton and Parkersburg road at or near the Big Ripple on the Little Kanawha in the county of Wood; also to build a toll-bridge over the Little Kanawha at the said Big Ripple.

On motion of Mr. M'RAE, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of authorizing the courts of this commonwealth to condemn as much land for the purpose of a ditch or canal as may be necessary to straighten any stream or drain the contiguous lands of the applicant.

On motion of Mr. DORMAN, *Resolved*, That so much of the governor's message as relates to the Virginia military institute be referred to the committee on the militia laws.

On motion of Mr. SMITH *of Isle of Wight*, *Resolved*, That the treasurer be required to communicate to this house the amount of the surplus revenue of the United States deposited with this state, and when deposited, the amount of interest received from the loan of it before it was invested in bank stocks, and when so invested, and the amount of dividends received from the same. Also the amount of money which has been borrowed by the state to pay its subscription to bank stocks; the amount of interest which is due or has been paid on said loans, and the amount of dividends which is due or has been received on the stocks to pay for which said loans were made.

On motion of Mr. ARMSTRONG, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so amending the laws of this commonwealth as to subject the real estate of a testator or intestate to the payment of his debts, whether the same be due by bond binding on the heirs or otherwise, and that they have leave to report by bill or otherwise.

On motion of Mr. STEPHENSON, *Ordered*, That the communication from Josiah Holleman, president of the board of principal assessors, be referred to the committee of finance.

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On motion of Mr. RATCLIFFE, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of abolishing imprisonment for debt.

On motion of Mr. M'RAE, *Resolved*, That the committee of finance be instructed to enquire into the expediency of amending so much of the law which provides for the payment of poor rates on or before the first day of November in every year so as to require the sheriffs or other collector to make payment on or before the 15th day of December in every year. And that said committee enquire into the expediency of allowing the clerks of this commonwealth until the first day of July to put their fees in the hands of the sheriffs instead of the time now allowed by law.

On motion of Mr. BURWELL *of Clarke and Warren*, *Resolved*, That the committee for courts of justice be required to enquire into the propriety and equity of authorizing the county and corporation courts of this commonwealth to lay their county levies and poor rates on other objects of taxation than those now authorized by law.

On motion of Mr. STEPHENSON, *Ordered*, That 135 copies of the report of the committee of privileges and elections upon the memorial of Elbert H. Caldwell complaining of the undue election of John Scott, the member returned from the county of Marshall, be printed.

Mr. CHAPMAN presented a petition of the president and directors of the Red and Blue Sulphur springs turnpike company praying that three fifths of the capital stock of said company may be subscribed on the part of the commonwealth, which was referred to the committee of roads and internal navigation.

Mr. BURWELL *of Bedford* presented a petition of the president and trustees of the New London academy praying an appropriation for the further repair of that institution from the surplus of the literary fund, which was referred to the committee of schools and colleges.

Mr. STANGER presented petitions of citizens of the county of Pulaski for a change of the site for the erection of the public buildings for said county.

Mr. SMITH *of Rockingham* submitted a document to sustain the petition for a change of the site of the public buildings in the said county of Pulaski.

Mr. SPOTTS a petition of citizens of the county of Mercer praying that a part of the said county may be added to the county of Tazewell.

Mr. WADE *of Franklin* a petition of citizens of the county of Franklin to change the place of holding a separate election in said county.

Which petitions were referred to the committee of propositions and grievances.

Mr. BEARD presented a petition of citizens of the county of Loudoun asking that the court of said county be authorized to allow a greater reward for killing wolves than the law now authorizes, which was referred to the committee for courts of justice.

Mr. MAY from the committee for courts of justice presented the following bill:

No. 61. A bill amending the charter of the town of Winchester.

On motion of Mr. M'CONNELL the following report of the committee of propositions and grievances was taken up and read:

The committee of propositions and grievances have according to order had under consideration the petitions of Samuel Irwin and Joseph Caldwell of the city of Wheeling and South Wheeling in the county of Ohio to them referred, praying that an act may pass authorizing them, their heirs and assigns, to construct at their own expense wharves on their lots of land lying on the bank of the Ohio river in said city of such dimensions as they may think proper, so that the same shall not obstruct or impair the navigation of said river, and to charge such fees for all vessels, boats and rafts using said wharves, and to enforce payment in the same manner and under the same penalties as now are or may be fixed from time to time by the mayor and commonalty of the said city, for the use of the wharves and landings belonging to the corporation, in pursuance of an act of the general assembly passed on the 9th March 1827, entitled "an act concerning the town of Wheeling," or with such modifications as the general assembly may think proper: Whereupon,

Resolved as the opinion of this committee, That the prayer of the said petitioners be rejected: they having by law the right or privilege which they ask.

A motion was made by Mr. M'CONNELL to amend the said resolution by striking out the words "*be rejected: they having by law the right or privilege which they ask*," and inserting in lieu thereof the words "*is reasonable*;" and the question being put thereupon was determined in the negative.

The resolution was then again laid upon the table on Mr. M'CONNELL's motion.

On motion of Mr. WORTHINGTON, *Resolved*, That the committee for courts of justice enquire into the necessity of amending the laws of this commonwealth relating to the circuit superior courts of law and chancery so far as the same relate to the appointment of receivers of said courts, and that said committee by bill or otherwise report what further provisions, if any, are expedient, regulating the appointment and government of said officers.

On motion of Mr. RAMEY, *Resolved*, That the president of the board of public works be instructed to transmit to this house such information as the said board may be possessed of touching the constructing of cer-

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tain locks along the line of the Chesapeake and Ohio canal, required to be constructed agreeably to the act, entitled "an act to authorize a subscription on the part of the state of Virginia to the stock of the Chesapeake and Ohio canal company," passed February 20, 1833.

Mr. ROBERTSON presented a petition of the James river and Kanawha company praying for an amendment of their charter, which was referred to the committee of roads and internal navigation.

On motion of Mr. ROBERTSON the said petition was ordered to be printed. [Doc. No. 15.]

Mr. BYRD presented petitions of citizens of the counties of Morgan and Frederick for the construction of a turnpike road from Winchester to the town of Bath in the county of Morgan, which were referred to the committee of roads and internal navigation.

The speaker submitted a letter from the governor transmitting a communication from the captain of the public guard and superintendent of the armory accompanied by reports; which on motion of Mr. JACKSON *of Wood* was laid upon the table and ordered to be printed. [Doc. No. 16.]

No. 23. An engrossed bill concerning certain loans heretofore authorized for the Northwestern turnpike road, was read a third time and passed.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes upon the passage thereof were recorded as follow:

AYES—Messrs. M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Toler, Fox, Burwell of Clarke and Warren, Broadus, Alderson, Payne, Howell, Hale, Wade of Franklin, Byrd, King, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Worthington, Reynolds, Ewing, Lawson, Ramey, Harrison, Smith of Mason and Jackson, Clayton, Evans, Chapman, Myers of Morgan, Allyn of Norfolk borough, M'Connell, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Roberts, Sturm, Robertson, Leyburn, Dorman, Shipman, Smith of Russell, Conn, Bare, Griever, Crutchfield, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—66.

NOES—Messrs. Cropper, Cox, Roane, Taylor of Halifax, Smith of Isle of Wight, Fontaine, Orgain, Banks, Scott of Marshall, Hudnall, Fitzgerald, Ratcliffe, Snyder and Walker—14.

The following engrossed bills were also read a third time and passed, viz:

No. 25. A bill prescribing the punishment for poisoning or attempting to poison.

No. 26. A bill to incorporate the Clover hill coal mining and iron manufacturing company.

No. 27. A bill to incorporate the Daniel's run and Hail's ford turnpike company.

No. 28. A bill concerning special courts of appeals.

No. 30. A bill concerning the estate of George E. Harrison deceased.

No. 31. A bill changing the time of holding the circuit superior court of Amherst county.

No. 32. A bill to amend the act authorizing the sale of certain lands late the property of Cornelia Hopkins deceased.

No. 33. A bill to revive and amend the act incorporating the Madison manufacturing company.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 5. A bill concerning the killing of deer; and

No. 24. A bill concerning the jurisdiction of circuit superior courts; heretofore reported from the committee for courts of justice with amendments, were taken up, and the said amendments being agreed to, the said bills as amended were ordered to be engrossed and read a third time.

On motion of Mr. SMITH *of Isle of Wight*, *Ordered*, That the said last bill be printed.

No. 35. A bill changing the time of holding the circuit superior court of Mecklenburg county; and

No. 36. A bill concerning Squire Sayre; were read the second time and ordered to be engrossed and read a third time.

No. 39. A bill concerning the county and corporation courts, was read the first and ordered to be read a second time.

On motion of Mr. TAYLOR *of Halifax* the house adjourned until Monday the 30th instant at twelve o'clock.

MONDAY, DECEMBER 30, 1839.

On motion of Mr. EVANS, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of amending an act, entitled "an act (passed the third day of April 1839) authorizing the county court of Monongalia county to borrow money for certain purposes therein mentioned;" so as to authorize said court to appoint a commissioner to transact the business for said court under such penalties as will secure the aithful performance of the duties of his office.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented the following bill:

No. 62. A bill to authorize a separate election at the house of George Swhier in the county of Frederick.

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The speaker presented a petition of Joseph Fawcett and others asking the passage of a resolution approving the call of a national convention to declare that all acts of legislation granting charters to banking companies and other associations for the purpose of making and circulating paper money violate the constitution of the United States, which on motion of Mr. ROBERTSON was ordered to be laid upon the table.

Mr. WADE *of Montgomery* presented a memorial of citizens of the county of Pulaski remonstrating against the change of the location of the public buildings in said county.

Mr. SMITH *of Rockingham* a petition of Richard Pickering asking to change the name of the town of Sparta in the county of Rockingham.

Mr. SPOTTS a petition of citizens of the county of Tazewell for the establishment of a separate election at Floyd's store in said county.

The said petitions were referred to the committee of propositions and grievances.

Mr. CLARK *of Halifax* presented a petition of citizens of the county of Halifax for an enlarged and more efficient system of primary schools, which was referred to the committee of schools and colleges.

Mr. M'CONNELL presented a petition of citizens of the county of Ohio asking the passage of an act authorizing the Northwestern Bank and the Merchants and Mechanics Bank of Wheeling to issue notes of a less denomination than five dollars; which was referred to the committee on banks.

The following engrossed bills were read and passed:

No. 5. A bill concerning the killing of deer; and

No. 35. A bill changing the time of holding the circuit superior court of Mecklenburg county.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 24. An engrossed bill concerning the jurisdiction of circuit superior courts, was on motion of Mr. JACKSON *of Wood* ordered to be laid upon the table.

No. 36. An engrossed bill concerning Squire Sayre was read a third time; thereupon the further consideration thereof was indefinitely postponed on motion of Mr. SHIPMAN.

On motion of Mr. SHIPMAN the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Burwell of Bedford, Mitchell, Myers of Berkeley, Meredith, Haskins, Flood, Toler, Corbin, Coleman, Broadus, Whitworth, Hale, Wade of Franklin, King, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, M'Rae, Hamlett, Smith of Isle of Wight, Wright, Tayloe of Lancaster and Richmond, Ewing, Harrison, Banks, Smith of Mason and Jackson, Chapman, Watts, Hudnall, Staples, Tunstall, Tallman, Heath, Ratcliffe, Sturm, Robertson, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Bare, Grievor, Ridley, Spotts and Goodson—49.

NOES—Messrs. Cropper, Carpenter, M'Cue, Stuart, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Fox, Burwell of Clarke and Warren, Alderson, Howell, Byrd, Carroll of Grayson, Allen of Hampshire, Seymour, Lee, Armstrong, Worthington, Lawson, Ramey, Scott of Marshall, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Fitzgerald, M'Connell, Aleshire, Hiner, Keen, Carroll of Preston, Snyder, Leyburn, Venable, Conn, Stephenson, Jackson of Wood, and Stanger—39.

Resolved, That said bill be rejected.

On motion of Mr. HARRISON, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so amending an act, entitled "an act to amend an act to reduce into one the several acts for the better securing the payment of rents," &c. as to permit the tenant to set up any and all legal defences that he may have against the attachment of his landlord.

No. 38. A bill requiring certain duties therein mentioned of the court of appeals and general court was read a second time and ordered to be engrossed and read a third time.

No. 39. A bill concerning the county and corporation courts was on motion of Mr. GIBSON ordered to be laid upon the table.

No. 40. A bill concerning the Fauquier and Alexandria turnpike road was on motion of Mr. WORTHINGTON laid upon the table.

No. 44. A bill changing the time of holding the circuit superior court of Buckingham county was on motion of Mr. FLOOD laid upon the table.

The following bills were read the first and ordered to be read a second time, viz:

No. 41. A bill to authorize two separate elections in the county of Loudoun and one in the county of Halifax.

No. 42. A bill changing the time of holding the circuit superior court of Randolph county.

No. 43. A bill divorcing Charlotte F. Helm from her husband Henry P. Helm.

No. 45. A bill concerning witnesses in civil cases.

No. 46. A bill incorporating the Salem savings institution, society or bank.

No. 47. A bill changing the time of holding the quarterly courts of the county of Pulaski.

No. 48. A bill concerning levies for the building of bridges and causeways.

No. 49. A bill concerning executions and new trials in cases upon warrants.

No. 50. A bill concerning John Peyton jr.

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No. 51. A bill to change the time of holding the general elections in this commonwealth.

No. 52. A bill to amend an act, entitled "an act concerning general elections in this commonwealth."

No. 53. A bill annexing a part of the county of Mercer to the county of Giles.

No. 54. A bill to establish a company of light infantry in the city of Richmond.

No. 56. A bill providing for the arrest and detention of fugitives from justice from other states.

No. 57. A bill to amend the act, entitled "an act declaring Greenbrier river a public highway."

No. 58. A bill incorporating the Winterpock rail-road company.

No. 59. A bill to amend an act explaining the act, entitled "an act establishing the county of Pulaski of parts of the counties of Montgomery and Wythe."

No. 60. A bill incorporating the Western insurance company; and

No. 61. A bill amending the charter of the town of Winchester.

No. 55. A bill concerning the destruction of wild fowl in the counties of Accomack and Fairfax, was read the first, and on motion of Mr. RATCLIFFE a second time and ordered to be committed to the committee which brought it in.

Reports of the committee of roads and internal navigation rejecting the petition of citizens of the county of Rockbridge for the incorporation of a joint stock company to improve the North river; and reporting it inexpedient to incorporate the Princess Anne canal company, were on motions severally made ordered to be laid upon the table.

The following reports of the committee for courts of justice were read and agreed to:

The committee for courts of justice have according to order had under consideration the petition of Martha, a free woman of colour, to them referred, praying that she may be permitted to remain as a free person in the commonwealth and to reside in the county of Prince William, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected, the county and corporation courts having full power to grant the privilege prayed for.

The committee for courts of justice have according to order enquired into the expediency of enacting a law regulating the commissions to be allowed to commissioners appointed by the chancery courts of this commonwealth for the sale of real and personal estate, in order that the compensation throughout the state may be uniform: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to enact such a law, the act of the 21st March 1836, regulating commissions in such cases, amply providing for the subject aforesaid.

The committee for courts of justice have according to order had under consideration the petition of James Pankey, executor of William Pankey deceased, to them referred, praying the passage of an act authorizing him to sell certain lands therein mentioned belonging to the estate of his testator, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected, the courts of chancery having under existing laws jurisdiction of the matter.

The committee for courts of justice have according to order had under consideration the petitions of Howell Robinson and Elizabeth his wife, formerly Elizabeth Wood, to them referred, praying that they may be divorced, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petitions be rejected.

A further report of said committee rejecting the petition of Henry D. Warwick, was on motion of Mr. TOLER ordered to be recommitted to the said committee.

The following reports of the committee of roads and internal navigation were read and agreed to:

The committee of roads and internal navigation have according to order enquired into "the expediency of incorporating a company in the county of Princess Anne to cut a canal from Kempsville on the Elizabeth river to Thuesden's bridge, or some point near it, on the Lynhaven river:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient to incorporate a company for said purpose.

The committee of roads and internal navigation have according to order enquired into "the expediency of directing a survey of Craig's creek to be made by the principal engineer from its mouth to the town of New Castle in the county of Botetourt, with a view to the improvement of the navigation of said creek in the mode deemed most advisable, together with an estimate of the probable cost of such improvement and the public benefits to be expected therefrom:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient to direct the said survey to be made.

The following report of the committee of schools and colleges was read and agreed to:

The committee of schools and colleges have according to order had under consideration the petition of sundry citizens of Elizabeth City county to them referred, praying the repeal of the act, entitled "an act concerning the Hampton academy," passed February the 2d, 1839: Whereupon,

Resolved as the opinion of this committee, That said petition is reasonable.

Ordered, That a bill be brought in conformably therewith.

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A report of the committee of propositions and grievances rejecting the petition of Abra'm B. Hooe, was on motion of Mr. SMITH *of Isle of Wight* ordered to be laid upon the table.

Mr. BYRD presented a petition of Isaac Wood and others, citizens of the county of Frederick, remonstrating against a change in the law prescribing the mode of appointing inspectors of flour, &c.

Mr. GIBSON a petition of Edward Smith and others for the incorporation of a mining and manufacturing company.

The said petitions were referred to the committee of agriculture and manufactures.

Mr. BYRD also presented a petition of citizens of the county of Frederick for the construction of a turnpike road from Winchester to the town of Bath, which was referred to the committee of roads and internal navigation.

Mr. ROBERTSON presented a petition of John Seabrook for the restitution of a sum of money paid into the public treasury by him under an act passed 27th February 1822, entitled "an act releasing to John Seabrook the commonwealth's title to certain lots therein mentioned," which was ordered to be referred to the committee of propositions and grievances.

On motion of Mr. COLEMAN the house adjourned.

TUESDAY, DECEMBER 31, 1839.

On motion of Mr. DORMAN, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of prohibiting the sale and purchase of foreign lottery tickets within this commonwealth.

Mr. DORMAN from the committee of finance presented a report upon the petition of Erastus G. Harman; and the following bill:

No. 63. A bill providing for the re-issue of certificates of state stock due the Bank of Virginia.

And reported without amendment the following bill:

No. 34. A bill concerning the collection of taxes, levies and poor rates.

Mr. VENABLE presented a memorial of citizens of the county of Prince Edward, remonstrating against the passage of an act declaring the Appomattox river from Morton's upper mill to Planterstown a lawful fence, which was referred to the committee on agriculture and manufactures.

No. 21. A bill concerning western land titles, together with the amendments thereto proposed by the committee for courts of justice, was taken up on motion of Mr. SEYMOUR, and the said amendment being partly agreed to and partly disagreed to, the said bill as amended was ordered to be engrossed and read a third time.

No. 38. An engrossed bill requiring certain duties therein mentioned of the court of appeals and general court, was read a third time, and the question being put upon its passage was determined in the negative.

Resolved, That said bill be rejected.

The following bills were read a second time and ordered to be engrossed and read a third time, viz:

No. 41. A bill to authorize two separate elections in the county of Loudoun and one in the county of Halifax.

No. 42. A bill changing the time of holding the circuit superior court of Randolph county.

No. 43. A bill divorcing Charlotte F. Helm from her husband Henry P. Helm.

No. 46. A bill incorporating the Salem savings institution, society or bank.

No. 50. A bill concerning John Peyton jr.

No. 57. A bill to amend the act, entitled "an act declaring Greenbrier river a public highway."

No. 58. A bill incorporating the Winterpock rail-road company.

No. 59. A bill to amend and explain the act, entitled "an act establish ing the county of Pulaski ofparts of the counties of Montgomery and Wythe."

No. 60. A bill incorporating the Western insurance company; and

No. 61. A bill amending the charter of the town of Winchester.

No. 47. A bill changing the time of holding the quarterly courts of the county of Pulaski was on motion of Mr. CHAPMAN ordered to be laid upon the table.

No. 53. A bill annexing a part of the county of Mercer to the county of Giles was on motion of Mr. KING ordered to be laid upon the table.

No. 54. A bill to establish a company of light infantry in the city of Richmond was read a second time, amended on motions severally made, and as amended ordered to be recommitted to the committee which brought it in.

No. 62. A bill to authorize a separate election at the house of George Swhier in the county of Frederick was read the first and ordered to be read a second time.

No. 34. A bill concerning the collection of taxes, levies and poor rates, was taken up, and the question being put upon engrossing it was determined in the negative.

Resolved, That the said bill be rejected.

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The following report was read and agreed to:

The committee of finance have according to order had under consideration the petition of Erastus G. Harman of the county of Tazewell, deputy sheriff for Hez. Harman, sheriff of said county for the years 1830 and 1831 to them referred, praying that an act may pass refunding to him the sum of fifteen dollars with interest, which he states that he has paid into the treasury beyond the amount of revenue collected by him in consequence of a difference to that amount in favour of the treasury, between the commissioner's land book furnished to him for the year 1830, and that furnished to the auditor: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petition be rejected; the auditor of public accounts being authorized by the act of 20th March 1838 to adjust such claims.

No. 63. A bill providing for the re-issue of certificates of state stock due the Bank of Virginia was read the first and ordered to be read a second time.

The speaker laid before the house a communication from the treasurer in answer to a resolution of the 24th instant, calling for information relative to the investment of the surplus revenue of the United States, on deposit in the treasury of this state; which on motion of Mr. SMITH *of Isle of Wight* was laid upon the table and ordered to be printed. [Doc. No. 18.]

On motion of Mr. STEPHENSON the house adjourned.

WEDNESDAY, JANUARY 1, 1840.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented the following bills:

No. 64. A bill to incorporate the Exchange hotel company in the city of Richmond; and

No. 65. A bill concerning the town of Lawrenceville in the county of Brunswick.

Mr. STEPHENSON from the committee of claims presented a report upon the petition of Philip Nelson.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented a report upon the resolution concerning a survey for a road from Winchester to Berry's ferry.

And reported without amendment the following bill:

No. 37. A bill to amend the several acts concerning the Northwestern turnpike road.

On motion of Mr. LEE, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of authorizing Squire Sayre to institute a suit against the president, directors and company of the Northwestern turnpike road for the alleged injury to him by the loss of his mills on Middle Island creek in the county of Harrison.

On motion of Mr. HARRISON, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of amending the fifty-second section of the act, entitled "an act reducing into one the several acts concerning wills, the distribution of intestates' estates," &c. so as to empower an administrator *de bonis non* with the will annexed to exercise all the powers of the executor whom he succeeds.

On motion of Mr. TAYLOE *of Lancaster and Richmond*, *Resolved*, That the committee for courts of justice enquire into the expediency of so amending the act, entitled "an act making further provision for the comfortable support of lunatics confined in county jails," passed March 6th, 1833, as to authorize more liberal appropriations for clothing, attendance and support than therein expressed, or for the county courts to make such provision, the expenses to be certified and paid in the manner now prescribed by law.

On motion of Mr. SCOTT *of Marshall*, *Resolved*, That the committee of finance be instructed to enquire into the expediency of so altering or amending the revenue laws as to make it the duty of the sheriffs or other collectors of the revenue to credit on all bills for taxes that they may hereafter collect the day and date on which such collection was made.

On motion of Mr. ROBERTSON, *Resolved*, That so much of the governor's message as relates to the subject of the public lands be referred to a select committee.

The speaker deferred appointing said committee until to-morrow.

The following engrossed bills were read a third time and passed, viz:

No. 21. A bill concerning western land titles.

No. 41. A bill to authorize two separate elections in the county of Loudoun and one in the county of Halifax.

No. 42. A bill changing the time of holding the circuit superior court of Randolph county.

No. 46. A bill incorporating the Salem savings institution, society or bank.

No. 57. A bill to amend the act, entitled "an act declaring Greenbrier river a public highway."

No. 59. A bill to amend and explain the act, entitled "an act establishing the county of Pulaski of parts of the counties of Montgomery and Wythe;" and

No. 60. A bill incorporating the Western insurance company.

An engrossed bill to incorporate the Dutoy and Powhatan coal companies was taken up on motion of Mr. WILSON, read a third time and passed.

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Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following engrossed bills were on motions severally made ordered to be laid upon the table:

No. 43. A bill divorcing Charlotte F. Helm from her husband Henry P. Helm.

No. 58. A bill incorporating the Winterpock rail-road company; and

No. 61. A bill amending the charter of the town of Winchester.

No. 48. A bill concerning levies for the building of bridges and causeways was read a second time, and on motion of Mr. LEE ordered to be committed to the committee which brought it in.

The following bills were read a second time, and on motions severally made ordered to be laid upon the table.

No. 45. A bill concerning witnesses in civil cases.

No. 49. A bill concerning executions and new trials in cases upon warrants.

No. 51. A bill to change the time of holding the general elections in this commonwealth; and

No. 56. A bill providing for the arrest and detention of fugitives from justice from other states.

Mr. M'MILLAN presented a petition of the stockholders of the Jefferson seminary in the county of Brooke for the passage of an act incorporating said seminary, which was referred to the committee of schools and colleges.

Mr. WATTS presented a petition of inhabitants of the borough of Norfolk praying that the members of fire companies in said borough may be exempt from serving as petit jurors in civil cases, which was referred to the committee for courts of justice.

No. 50. An engrossed bill concerning John Peyton jr. was read a third time, and the question being put upon its passage was determined in the negative.

Resolved, That said bill be rejected.

No. 52. A bill to amend an act, entitled "an act concerning general elections in this commonwealth," was read a second time, amended on motion of Mr. ROBERTSON, and on motion of Mr. CRUTCHFIELD ordered to be laid upon the table.

On motion of Mr. SMITH *of Isle of Wight*, *Ordered*, That 200 copies of said bill as amended be printed.

No. 62. A bill to authorize a separate election at the house of George Swhier in the county of Frederick was read a second time and ordered to be engrossed and read a third time.

No. 63. A bill providing for the re-issue of certificates of state stock due the Bank of Virginia was read a second time; thereupon a motion was made by Mr. JACKSON *of Wood* that the same be committed to the committee which brought it in, with instructions so to amend it as to provide for payment of the stock by a sale of the stock of the Bank of Virginia belonging to the commonwealth; and the question being put thereupon was determined in the negative.

On motion of Mr. JACKSON *of Wood* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Butts, Smith of Isle of Wight, Wright, Fontaine, Scott of Marshall, Wade of Montgomery and Pulaski, Aleshire, Heath, Smith of Rockingham, Shipman, Conn, Ridley, Prince, Jackson of Wood, and Stanger—18.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Meredith, Haskins, Flood, Thornburg, Toler, Corbin, Coleman, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Marshall, Scott of Fauquier, Alderson, Howell, Wade of Franklin, Byrd, King, Carroll of Grayson, Erskine, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Ramey, Harrison, Banks, Smith of Mason and Jackson, Clayton, Evans, Chapman, Myers of Morgan, Hodges, Watts, Hudnall, Fitzgerald, Staples, Hiner, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Sturm, Robertson, Snyder, Leyburn, Dorman, Smith of Russell, Quillen, Griever, Crutchfield, Fitzhugh, Spotts, Stephenson and Goodson—77.

The question recurred upon engrossing the bill and was determined in the affirmative.

On motion of Mr. TAYLOR *of Halifax* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Cropper, Southall, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Flood, Toler, Corbin, Coleman, Burwell of Clarke and Warren, Broadus, Wilson, Marshall, Scott of Fauquier, Alderson, Wade of Franklin, King, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Seymour, M'Rae, Hamlett, Worthington, Reynolds, Ewing, Lawson, Ramey, Harrison, Smith of Mason and Jackson, Evans, Hodges, Watts, Hudnall, Staples, Hiner, Tunstall, Keen, Tallman, Robertson, Leyburn, Dorman, Smith of Russell, Griever, Crutchfield, Spotts, Stephenson and Goodson—53.

NOES—Messrs. Gilmer, (speaker,) Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Howell, Byrd, Butts, Taylor of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Banks, Scott of Marshall, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Aleshire, Carroll of Preston, Heath, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Ridley, Fitzhugh, Prince, Jackson of Wood, and Stanger—38.

On motion of Mr. LEE the house adjourned.

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THURSDAY, January 2, 1840.

The speaker announced the following as the committee to whom so much of the governor's message as relates to the subject of the public lands was referred on yesterday, viz: Messrs. Robertson, Hodges, Scott of Fauquier, Chapman, Seymour, Toler, Lee, Yerby, Ewing, Harrison, Butts, Tunstall and M'Millan.

Mr. Venable from the committee on banks presented a report upon the petitions of citizens of the town of Scottsville, and of the counties of Albemarle and Buckingham for the location of a branch or agency of the Exchange Bank or Bank of Virginia at the said town of Scottsville, which on his motion was ordered to be re committed.

Mr. Dorman from the committee of finance presented a report upon the resolution relative to the collection of delinquent property tax.

Mr. Southall from the committee of privileges and elections presented a report upon the petition of Caleb Tanzey complaining of the undue election of James Evans, one of the delegates from the county of Monongalia, which on his motion was ordered to be laid upon the table and printed. [Doc. No. 19.]

Mr. Staples presented a petition of Samuel Howell praying that he may be exempted from the penalties of the act passed the 24th of December 1792 in reference to the observance of the Sabbath, which was referred to the committee for courts of justice.

Mr. Robertson presented a petition of Thomas Hudgins, Jesse Snead and others praying the passage of an act to incorporate "the Richmond college," which was referred to the committee of schools and colleges.

Also a petition of Barbara Broome praying some provision by law for paying certain drafts given for stands of colours heretofore furnished to sundry militia regiments of this commonwealth, which was referred to the committee on the militia laws.

Mr. Carroll *of Grayson* presented a petition of citizens of the counties of Grayson and Wythe for the formation of a new county out of parts of those counties, which was referred to the committee of propositions and grievances.

On motion of Mr. Beard, *Resolved*, That the committee of propositions and grievances be instructed to enquire into the expediency of establishing a ferry across the Potomac river from the lands of William W. Wenner the county of Loudoun.

No. 49. A bill concerning executions and new trials in cases upon warrants was taken up on motion of Mr. Stephenson, read a second time, amended on his motion, and a further amendment having been submitted by him, the said bill and amendment was on motion of Mr. Dorman ordered to be committed to the committee which brought it in.

No. 45. A bill concerning witnesses in civil cases was taken up on motion of Mr. Jackson *of Wood*, read a second time, amended on motion of Mr. Lee, and as amended, on motion of Mr. Jackson *of Wood* ordered to be committed to the committee which brought it in.

On motion of Mr. Shipman, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of so amending the law in relation to the New Shenandoah company as to provide more effectually against obstructions to the navigation of said Shenandoah river, and that they have leave to report by bill or otherwise.

No. 62. An engrossed bill providing for the re-issue of certificates of state stock due the Bank of Virginia was on motion of Mr. Dorman ordered to be laid upon the table.

No. 37. A bill to amend the several acts concerning the Northwestern turnpike road was taken up; thereupon a motion was made by Mr. Smith *of Isle of Wight* to amend the same by striking out the first section.

The said section is the following:

"*Be it enacted by the general assembly*, That the president and directors of the Northwestern turnpike road be and they are hereby empowered to borrow the sum of seven thousand dollars for the purpose of completing the unfinished sections of said road, which loan shall be effected agreeably to the provisions of the act, entitled 'an act providing for the negotiation of loans for purposes of internal improvement,' passed April 9th, 1838."

And the question being put thereupon was determined in the negative.

On motiton of Mr. Smith *of Isle of Wight* the ayes and noes thereupon were recorded as follow:

Ayes—Messrs. Cropper, Meredith, Haskins, Corbin, Coleman, Butts, Tayloe of Halifax, Clark of Halifax, Smith of Isle of Wight, Wright, Fontaine, Tayloe of Lancaster and Richmond, Banks, Taylor of Mathews and Middlesex, Hudnall, Heath, Ratcliffe, Ridley and Prince—19.

Noes—Messrs. Gilmer, (speaker,) Southall, Carpenter, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Flood, Thornburg, Toler, Fox, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Marshall, Alderson, Howell, Hale, Wade of Franklin, Byrd, King, Carroll of Grayson, Erskine, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of King George, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Watts, Aleshire, Staples, Hiner, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Venable, Sturm, Robertson,

Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—78.

The said bill was then ordered to be engrossed and read a third time.

No. 64. A bill to incorporate the Exchange hotel company in the city of Richmond; and

No. 65. A bill concerning the town of Lawrenceville, in the county of Brunswick; were read the first and ordered to be read a second time.

A report of the committee of roads and internal navigation reporting it inexpedient to direct a survey for a road from Winchester to Berry's ferry, was on motion of Mr. Byrd ordered to be laid upon the table.

The following report of the committee of claims was read and agreed to:

The committee of claims have according to order had under consideration the petition of Philip Nelson and Sarah N. his wife, formerly Sarah N. Burwell, to them referred, stating that in the year 1780 gen. Thomas Nelson as executor of Robert Carter Burwell, loaned to this government the sum of £7162. 17*s*. 4*d*. and that the said sum has never been repaid, and praying to have the same refunded with interest, be rejected.

The following report of the committee of finance was read and agreed to:

The committee of finance have according to order enquired into "the expediency of providing for the collection of delinquent property tax:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient so to provide.

On motion of Mr. Fox, *Ordered*, That leave be granted to withdraw the petition of citizens of the county of Campbell for a separate election in said county, presented at the last session of the general assembly.

Mr. Byrd submitted the following resolution which on his motion was laid upon the table:

Resolved, That this house by joint vote with the senate, will proceed on Monday the 13th instant to the election of a United States senator to supply the vacancy occasioned by the expiration of the term of service of William C. Rives esq.

No. 63. An engrossed bill to authorize a separate election at the house of George Swhier in the county of Frederick was read a third time; thereupon the rule of the house was suspended on motion of Mr. Byrd, and the vote ordering the said bill to be engrossed was reconsidered; the same was then amended on his motion, and as amended again ordered to be engrossed.

On motion of Mr. Smith *of Isle of Wight* the rule of the house was suspended and the vote concurring with the committee for courts of justice in their report declaring it inexpedient to repeal the act concerning apprentices bound out by overseers of the poor was reconsidered, and on motion of Mr. Ratcliffe the said report was ordered to be laid upon the table.

A report of the committee of propositions and grievances upon the petition of Abram B. Hooe was taken up on motion of Mr. Smith *of Isle of Wight*, and on motion of Mr. Taylor *of King George* ordered to be recommitted with instructions to the committee to consider the petition on its merits.

On motion of Mr. Byrd the house adjourned.

FRIDAY, January 3, 1840.

Mr. Crutchfield from the committee of roads and internal navigation presented a report upon the resolution concerning James G. West; and the following bills:

No. 66. A bill concerning the Falmouth and Alexandria rail-road company; and

No. 67. A bill incorporating the Elizabeth and Parkersburg turnpike company.

Mr. Stephenson from the committee of claims presented reports rejecting the petitions of Henry Hayes and of William George; which on motions severally made were ordered to be laid upon the table.

Mr. Southall from the committee for courts of justice presented reports upon the petition of Harriet H. Perry; and upon the resolution for altering the law respecting grand and petit jurors; and the following bill:

No. 68. A bill concerning the publication of deeds.

On motion of Mr. Southall the said committee were discharged from the consideration of the resolution relative to the clothing, attendance and support of lunatics confined in county jails, and the same was ordered to be referred to the committee on lunatic asylums.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented the following bills:

No. 69. A bill authorizing a ferry from the lands of Thomas and Ephraim Pollock in the county of Marshall, across the Ohio river.

No. 70. A bill to authorize a separate election at Floyd's store in the county of Tazewell; and

No. 71. A bill changing the name of the town of Sparta in the county of Rockingham.

On motion of Mr. Crutchfield, *Resolved*, That the committee of roads and internal navigation be instruc-

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ted to enquire into the expediency of suspending any or all surveys now authorized of rail-roads, canals and turnpike roads.

A motion was made by Mr. RAMEY that the house adopt the following resolution:

Resolved, That the committee on the militia laws in the performance of their duty of enquiring into the expediency of revising or amending the existing militia laws, be instructed to enquire specially into the expediency of restoring the brigade inspectors so that they may perform the duties enjoined upon them and receive the compensation allowed them before the passage of the law dispensing with their services, and that said committee have leave to report by bill or otherwise.

And the question being put thereupon was determined in the negative.

Mr. CONN presented a petition of citizens of the county of Hardy, that a portion of that county may be detached and added to the county of Shenandoah.

Mr. ALDERSON a petition of citizens of the county of Nicholas for the establishment of a separate election on Twenty mile creek in said county.

Mr. TAYLOE *of Richmond and Lancaster* a petition of sundry clergymen of the Protestant Episcopal church in Virginia for an act of incorporation of the society for the relief of the widows and orphans of clergymen of the diocese.

Mr. HODGES a petition of David Dunford praying the removal of the precinct election from his house in the county of Nansemond.

The said petitions were referred to the committee of propositions and grievances.

A motion was made by Mr. BYRD that the resolution submitted by him on yesterday relative to the election of a senator to represent this state in the senate of the United States be now taken up, and the question being put thereupon was determined in the negative.

On motion of Mr. BYRD the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Cox, Powell, Howell, Byrd, King, Butts, Taylor of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Carroll of Preston, Venable, Heath, Sturm, Snyder, Smith of Rockingham, Quillen, Conn, Bare, Ridley, Fitzhugh, Prince, Spotts, Goodson, Jackson of Wood, and Stanger—49.

NOES—Messrs. Cropper, Southall, Wood, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Hale, Wade of Franklin, Carroll of Grayson, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Beard, Ramey, Harrison, Smith of Mason and Jackson, Evans, Hodges, Watts, M'Connell, Staples, Tunstall, Keen, Tallman, Michaux, Walden, Robertson, Leyburn, Dorman, Griever, Crutchfield and Stephenson—56.

A motion was made by Mr. BURWELL *of Clarke* that the house adopt the following resolution:

Resolved, That the committee of privileges and elections be requested to consider the propriety of establishing a separate election district at the house of George Trisler on the eastern side of the Shenandoah river in the county of Clarke.

And the question being put thereupon was determined in the negative.

The following engrossed bills were read a third time and passed:

No. 37. A bill to amend the several acts concerning the Northwestern turnpike road; and

No. 63. A bill to authorize a separate election at the house of George Swhier in the county of Frederick.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 64. A bill to incorporate the Exchange hotel company in the city of Richmond; and

No. 65. A bill concerning the town of Lawrenceville in the county of Brunswick, were read a second time and ordered to be engrossed and read a third time.

The following bills were read the first and ordered to be read a second time, viz:

No. 66. A bill concerning the Falmouth and Alexandria rail-road company.

No. 67. A bill incorporating the Elizabeth and Parkersburg turnpike company.

No. 68. A bill concerning the publication of deeds.

No. 69. A bill authorizing a ferry from the lands of Thomas and Ephraim Pollock in the county of Marshall across the Ohio river.

No. 70. A bill to authorize a separate election at Floyd's store in the county of Tazewell; and

No. 71. A bill changing the name of the town of Sparta in the county of Rockingham.

A report of the committee of roads and internal navigation was read and agreed to as follows:

The committee of roads and internal navigation have according to order enquired into "the expediency of refunding to James G. West of the county of Tyler the sum of three hundred and five dollars and seventy-six cents expended by him in completing the construction of the road from Middlebourne in the county of Tyler to the Pennsylvania line, authorized by the act of March 1831:" Whereupon,

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Resolved as the opinion of this committee, That it is not expedient to refund the said sum.

Reports of the committee for courts of justice were read and agreed to as follow:

The committee for courts of justice have according to order had under consideration the petition of Harriet Henrietta Perry, to them referred, praying to be divorced from her husband William Perry, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have according to order enquired into the expediency of so altering the law respecting grand and petit jurors that jurors in all cases may receive a compensation for their services: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient so to alter the said law.

On motion of Mr. VENABLE, *Resolved*, That the committee on banks be authorized to require to be printed such documents and evidence and other portions of information as they may think proper for the use of the general assembly.

No. 52. A bill to amend an act, entitled "an act concerning general elections in this commonwealth," was taken up on motion of Mr. JACKSON *of Wood*, and ordered to be engrossed and read a third time.

On motion of Mr. TAYLOR *of Halifax* the house adjourned.

SATURDAY, JANUARY 4, 1840.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented the following bills:

No. 72. A bill making further provision for completing the eastern section of the road on the route surveyed from Huntersville to Parkersburg.

No. 73. A bill authorizing a further subscription on behalf of the state to the stock of the Red and Blue Sulphur springs turnpike company; and

No. 74. A bill incorporating the Patterson's creek turnpike company; which bills were subsequently read the first and ordered to be read a second time.

Mr. SOUTHALL from the committee for courts of justice presented a report upon the resolution for authorizing the county and corporation courts to lay their county levies and poor rates on other subjects of taxation than those now authorized; and the following bills:

No. 75. A bill to amend the 52d section of the act, entitled "an act reducing into one the several acts concerning wills, the distribution of intestates' estates and the duty of executors and administrators;" and

No. 76. A bill concerning the reward for killing wolves in the county of Loudoun; which bills were subsequently read the first time and ordered to be read a second time.

And reported with a substitute the following bill:

No. 48. A bill concerning levies for the building of bridges and causeways; which being taken up, and the said substitute being agreed to, was as amended ordered to be engrossed.

Mr. WILSON from the committee of agriculture and manufactures presented the following bill:

No. 77. A bill to establish a board of agriculture; which was subsequently read the first and ordered to be read a second time.

Mr. FOX presented a petition of citizens of the county of Campbell for the establishment of a separate election at Marysville in said county; which was referred to the committee of propositions and grievances.

Mr. FLOOD presented a memorial of sundry citizens of the counties of Buckingham and Prince Edward, remonstrating against the passage of a law declaring Appomattox river from Morton's mill to Planterstown a lawful fence; which was referred to the committee of agriculture and manufactures.

Mr. HOWELL presented a petition of John W. Headen and others praying to be released from paying taxes on certain tracts of land, which was referred to the committee of finance.

Mr. ROBERTSON presented a petition of J. B. Harvie praying the passage of an act confirming certain rights held by him under two writs of *ad quod damnum* issued by the county court of Henrico, and authorizing the city of Richmond to raise any quantity of water that may be deemed necessary for the city purposes; which was referred to the committee for courts of justice.

Mr. TAYLOR *of King George* presented a petition of John H. Reily praying compensation may be allowed him as late treasurer of the Fairfax turnpike road company, which was referred to the committee of roads and internal navigation.

On motion of Mr. CHAPMAN, *Resolved*, That the committee of roads and internal navigation be requested to enquire into the expediency of incorporating a company to construct a turnpike road from the Salt Sulphur springs in the county of Monroe to the Sweet springs in said county.

On motion of Mr. KEEN, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so amending the 17th section of the general election law as to provide that no elector be per-

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mitted to vote more than once on the same day and at the same place or any other place within his county or election district, although he may not have voted for all the various candidates then present that he may by law be entitled to vote for.

On motion of Mr. COLEMAN, *Resolved*, That the committee of privileges and elections be instructed to enquire into the expediency of revising the laws regulating the general elections of Virginia.

On motion of Mr. VENABLE, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the propriety of directing the foreclosure of the mortgage on the road from the mouth of Fishing creek on the Ohio river to the state line in the direction of Smithfield, and that said committee have leave to report by bill or otherwise.

A motion was made by Mr. FONTAINE that the resolution offered day before yesterday by Mr. BYRD for the election of a senator to represent this state in the senate of the United States be taken up; thereupon Mr. CRUTCHFIELD demanded the previous question, and it having been sustained by the house, the question was put upon taking up the resolution and was determined in the affirmative.

On motion of Mr. FONTAINE the ayes and noes were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Carpenter, Wood, M'Cue, Lockridge, Hannah, Jackson of Braxton and Lewis, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Byrd, Carroll of Grayson, Butts, Clark of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Venable, Heath, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Prince, Spotts, Jackson of Wood, and Stanger—62.

NOES—Messrs. Cropper, Southall, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Fox, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Erskine, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Beard, Ramey, Smith of Mason and Jackson, Evans, Hodges, Massie, Watts, M'Connell, Staples, Tunstall, Tallman, Walden, Leyburn, Dorman, Crutchfield, Stephenson and Walker—45.

The consideration of the said resolution was then on motion of Mr. JACKSON *of Wood*, postponed until Tuesday next and made the order of that day.

No. 16. An engrossed bill divorcing Janetta P. Allen from her husband Robert S. Allen was taken up on motion of Mr. VENABLE and passed.

No. 43. An engrossed bill divorcing Charlotte F. Helm from her husband Henry P. Helm was taken up on motion of Mr. POWELL and passed.

No. 58. An engrossed bill incorporating the Winterpock rail-road company was taken up on motion of Mr. CRUTCHFIELD and passed.

No. 65. An engrossed bill concerning the town of Lawrenceville in the county of Brunswick was read a third time and passed.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 52. An engrossed bill to amend an act, entitled "an act concerning general elections in this commonwealth," was on motion of Mr. SMITH *of Isle of Wight* ordered to be laid upon the table.

No. 64. An engrossed bill to incorporate the Exchange hotel company in the city of Richmond, was on motion of Mr. ROBERTSON ordered to be laid upon the table.

No. 66. A bill concerning the Falmouth and Alexandria rail-road company was on motion of Mr. SCOTT *of Fauquier* ordered to be laid upon the table.

The following bills were read a second time and ordered to be engrossed, viz:

No. 67. A bill incorporating the Elizabeth and Parkersburg turnpike company.

No. 69. A bill authorizing a ferry from the lands of Thomas and Ephraim Pollock in the county of Marshall across the Ohio river.

No. 70. A bill to authorize a separate election at Floyd's store in the county of Tazewell; and

No. 71. A bill changing the name of the town of Sparta in the county of Rockingham.

The following report was read and agreed to:

The committee for courts of justice have according to order considered the resolution to them referred instructing them to enquire into the propriety and equity of authorizing the county and corporation courts of this commonwealth to lay their county levies and poor rates on other subjects of taxation than those now authorized by law, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That it is inexpedient to grant to the said county and corporation courts the authority asked for.

Mr. SMITH *of Isle of Wight* submitted the following resolution:

Resolved, That the several banks of this commonwealth and their branches which suspended specie payments in October last, be required to communicate to this house a statement shewing the amount that each of the directors thereof was indebted to the bank, also the amount for which each was liable as endorser at the

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time of such suspension; and whether the amount of their indebtedness or liability as endorser has been at any time increased or diminished since the said suspension.

A motion was made by Mr. ROBERTSON that the same be laid upon the table, and the question being put it was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Whitworth, Alderson, Hale, Wade of Franklin, King, Clark of Halifax, White, Seymour, Hamlett, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Smith of Mason and Jackson, Hodges, Watts, Staples, Tunstall, Keen, Tallman, Venable, Walden, Robertson, Leyburn, Crutchfield and Spotts—48.

NOES—Messrs. Carpenter, Jackson of Braxton and Lewis, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Wilson, Roane, Powell, Marshall, Scott of Fauquier, Howell, Carroll of Grayson, Erskine, Butts, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Worthington, Kennedy, Wright, Fontaine, Ewing, Banks, Scott of Marshall, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Carroll of Preston, Heath, Sturm, Snyder, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Prince, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger—55.

Mr. BYRD was on his motion excused from voting.

The question was put upon adopting the resolution and was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Wilson, Roane, Powell, Howell, King, Carroll of Grayson, Butts, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Banks, Scott of Marshall, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Carroll of Preston, Heath, Sturm, Snyder, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Prince, Stephenson, Goodson, Jackson of Wood, and Stanger—50.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Whitworth, Marshall, Scott of Fauquier, Alderson, Hale, Wade of Franklin, Erskine, Clark of Halifax, White, Seymour, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Smith of Mason and Jackson, Hodges, Watts, Staples, Tunstall, Keen, Tallman, Venable, Walden, Robertson, Leyburn, Crutchfield, Fitzhugh, Spotts and Walker—53.

On this question Mr. BYRD was also excused from voting.

On motion of Mr. CRUTCHFIELD, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of increasing and regulating the tolls on the Powhatan rail-road, and that they report by bill or otherwise.

On motion of Mr. SOUTHALL, *Resolved*, That when the house adjourns to-day it will adjourn until Monday ten o'clock.

On motion of Mr. CHAPMAN the house adjourned.

MONDAY, JANUARY 6, 1840.

Mr. WATTS from the committee on the militia laws reported with a substitute the following bill:

No. 54. A bill to establish a company of light infantry in the city of Richmond.

And presented the following bill:

No. 77. A bill to establish a company of cavalry in the county of Halifax.

Mr. HANNAH presented a petition of citizens of the county of Botetourt for the formation of a new county out of parts of the counties of Botetourt, Alleghany, Monroe, Giles, Montgomery and Roanoke, which was ordered to be referred to the committee of propositions and grievances.

A motion was made by Mr. SMITH *of Isle of Wight* that the house adopt the following resolution:

Resolved, That the several banks of this commonwealth be required to communicate to this house a statement shewing how many members of this house are stockholders of the bank, how many *and who* are indebted to the bank, the amount of their liability as principal and as endorser, and whether the amount of their indebtedness or liability as endorser has been at any time increased since the suspension of specie payments by some of the banks in October last.

A motion was made by Mr. COLEMAN to amend the same by striking therefrom the words "*and who,*" and the question being put thereupon, was determined in the negative.

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On motion of Mr. SMITH *of Isle of Wight* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Myers of Berkeley, Hunter, Coleman, Worthington, Watts and Goodson—6.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Carpenter, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Powell, Marshall, Scott of Fauquier, Alderson, Howell, Hale, Byrd, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Clark of Halifax, Allen of Hampshire, White, Seymour, Lee, Armstrong, Hamlett, Smith of Isle of Wight, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Beard, Ramey, Harrison, Banks, Scott of Marshall, Goode, Clayton, Evans, Wade of Montgomery and Pulaski, Hodges, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, May, Tunstall, Keen, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Clarke of Surry, Prince, Spotts, Stephenson, and Jackson of Wood—91.

A motion was then made by Mr. VENABLE to amend the said resolution by substituting therefor the following:

Resolved, That the banks of this commonwealth furnish this house with the amount of stock held in each by members of the house of delegates, also the aggregate amount of debts due to each by members of this house.

And the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes were recorded as follow:

AYES—Messrs. Lockridge, Myers of Berkeley, Hunter, Whitworth, Worthington, Reynolds, Keen and Venable—8.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Carpenter, Wood, M'Cue, Stuart, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Roane, Powell, Marshall, Scott of Fauquier, Alderson, Howell, Hale, Wade of Franklin, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Kennedy, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Beard, Ramey, Harrison, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Watts, Hudnall, Fitzgerald, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Carroll of Preston, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, and Jackson of Wood—101.

The said resolution was then further amended on motions severally made, and as amended is the following:

Resolved, That the several banks of this commonwealth be required to communicate to this house a statement shewing the names of the members of this house who on this day are stockholders of the bank, the amount of stock held by each; how many and who are indebted to the bank in their individual capacity or as members of firms; the amount of their liability as principal and as endorser, and whether the amount of their indebtedness or liability as endorser has been at any time increased since the suspension of specie payments by some of the banks in October last.

And the question being put thereupon as amended was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Cropper, Southall, Carpenter, Wood, M'Cue, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Roane, Powell, Marshall, Scott of Fauquier, Alderson, Howell, Hale, Wade of Franklin, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, White, Seymour, Lee, Armstrong, Hamlett, Smith of Isle of Wight, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Banks, Scott of Marshall, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Watts, Hudnall, Fitzgerald, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Tallman, Carroll of Preston, Heath, Ratcliffe, Sturm, Walden, Snyder, Leyburn Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—99.

NOES—Messrs. Stuart, Lockridge, Myers of Berkeley, Hunter, Whitworth, M'Rae, Worthington, Kennedy, Keen, Venable and Robertson—11.

On motion of Mr. SOUTHALL the report of the committee of privileges and elections upon the memorial of Elbert H. Caldwell, complaining of the undue election of John Scott the delegate returned from the county of Marshall to represent the same in the present house of delegates was taken up.

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Thereupon the tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh resolutions declaring the votes of William H. Henry, John Marshall, Moses Smalley, George Ryan, William Clarke, Frederick Smith, James Parks, Timothy Mayhall, Alexander Bar, William Ruth, Jehu Parsons, Reason Biddle, Andrew Montgomery and H. B. O'Neal to be illegal votes, and the votes of Abraham Cane and twelve others, Peter Markey, Robert M'Connell, James Fitzsimmons, Philip Robinson, Levin C. Kirkman, Spencer Biddle and Henry Baker to be legal votes, were on questions severally put agreed to by the house, an *unsuccessful* motion having been made by Mr. CHAPMAN to amend the twenty-first resolution so as to reverse the decision of the committee.

The twenty-eighth resolution is the following:

In relation to the vote of the said Aaron Young, it appears by his own deposition that he voted on a tract of land in Marshall county which he had owned three years, containing one hundred acres—that he has conditionally sold the said land to William Kirkman, and entered into a written agreement with him for the sale of the land, by which he is bound to execute to said Kirkman a deed when the last payment is made—that the said Kirkman has had possession of the land from the date of the purchase—that half the purchase money has been paid—the last payment was due last spring. The title is still in him the deponent, to whom the tax on the land for 1839 was charged.

By a statement in writing made by the register of the land office, it appears "that a patent for 100 acres of land situate in Marshall county on Lynn Camp run, issued to Aaron Young on 30th October 1828:"

Resolved therefore, That the vote of the said Aaron Young is legal.

A motion was made by Mr. SCOTT *of Fauquier* to amend the same by striking out the word "legal" and inserting in lieu thereof the word "illegal," and the question being put thereupon was determined in the negative.

On motion of Mr. BANKS the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Toler, Fox, Coleman, Broadus, Scott of Fauquier, Hale, Worthington, Wright, Smith of Mason and Jackson, M'Connell, Dorman and Walker—12.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Carpenter, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Roane, Powell, Marshall, Alderson, Howell, Wade of Franklin, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Harrison, Lipscomb, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Watts, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Tunstall, Keen, Tallman, Carroll of Preston, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—97.

The said resolution was then agreed to.

The 29th resolution deciding the vote of Ebenezer Gorby to be legal, was on the question put thereupon agreed to by the house, an unsuccessful motion having been made by Mr. TAYLOE of King George to amend the same so as to reverse the decision of the committee.

On motion of Mr. STEPHENSON the said report was laid upon the table.

Mr. STEPHENSON submitted the following resolution:

Resolved, That the committee on banks be instructed to enquire whether the president of the Bank of Virginia during the last year made the declaration that has been imputed to him by the Richmond Whig a newspaper published in the city of Richmond, to wit: that the stock of the Bank of Virginia was not worth fifty cents in the dollar; and should the committee ascertain that the said president made such declaration, that then they enquire into the grounds or reasons that induced the said officer to come to the conclusion that the stock of said bank was worth less than its par value; and that the said committee also enquire whether the interests of the commonwealth in the Bank of Virginia does not require that the treasurer of the commonwealth shall be instructed to vote against the said president as a director of said bank at the next meeting of the stockholders thereof.

A motion was made by Mr. SMITH *of Isle of Wight* that the farther consideration thereof be indefinitely postponed; and on this question Mr. SCOTT *of Fauquier* demanded the ayes and noes.

Thereupon a motion was made by Mr. VENABLE that the house adjourn, and it was determined in the affirmative.

On motion of Mr. STEPHENSON the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Southall, Carpenter, M'Cue, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Fox, Corbin, Coleman, Cox, Burwell of Clarke and Warren, Roane, Alderson, Hale, Wade of Franklin, Byrd, King, Guerrant, Clark of Halifax, White, Seymour, Lee, Armstrong, Reynolds, Fontaine, Taylor of Mathews and

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Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Hodges, Watts, Hudnall, Fitzgerald, M'Connell, Aleshire, Hiner, Tunstall, Tallman, Carroll of Preston, Venable, Heath, Sturm, Snyder, Dorman, Smith of Rockingham, Shipman, Conn, Bare, Crutchfield, Clarke of Surry, and Spotts—60.

Noes—Messrs. Cropper, Wood, Stuart, Kyle, Flood, Toler, Cardwell, Broadus, Wilson, Whitworth, Powell, Marshall, Scott of Fauquier, Howell, Smith of Gloucester, Carroll of Grayson, Erskine, Gibson, Allen of Hampshire, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Kennedy, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Beard, Harrison, Banks, Scott of Marshall, Smith of Mason and Jackson, Evans, Myers of Morgan, Massie, Hiden, Keen, Ratcliffe, Walden, Robertson, Leyburn, Smith of Russell, Quillen, Griever, Ridley, Prince, Stephenson, Goodson, Jackson of Wood, and Stanger—51.

And the house adjourned until to-morrow morning 10 o'clock.

TUESDAY, January 7, 1840.

On motion of Mr. May, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of amending the laws in relation to ferries so as more effectually to protect the rights of the proprietors, and that they have leave to report by bill or otherwise.

On motion of Mr. Powell, *Ordered*, That leave be given to withdraw the petition of Stephen Murphy presented to a former house of delegates.

On motion of Mr. Venable the order of the day for considering the resolution for fixing a day for the election of a senator to represent this state in the senate of the United States was postponed until to-morrow.

The resolution submitted by Mr. Stephenson on yesterday, which was under consideration when the house adjourned, was resumed; thereupon Mr. Smith *of Isle of Wight* with the consent of the house withdrew the motion to postpone the same indefinitely, and on motion of Mr. Stephenson the said resolution was laid upon the table.

Mr. Smith *of Isle of Wight* presented a petition of Mary Pruden and others asking to be authorized to make sale of certain real estate, which was referred to the committee for courts of justice.

Mr. Wade *of Montgomery* presented a petition of the president and directors of the Salem and Pepper's ferry turnpike company asking for authority to change the location of their road.

Also a petition of Charles L. Barnett and others remonstrating against the prayer of the said petition. The said petition and remonstrance were referred to the committee of roads and internal navigation.

The report of the committee of privileges and elections upon the memorial of Elbert H. Caldwell complaining of the undue election of John Scott, the delegate from the county of Marshall, was taken up on motion of Mr. Southall.

The thirtieth resolution declaring the votes of John Moore and twelve others illegal votes, was agreed to.

The thirty-first resolution is the following:

In relation to the vote of the said Turner Parriott, it appears to your committee by the deposition of John Parriott that the said Turner Parriott was twenty-one years old at the date of the last election, and voted for Elbert H. Caldwell upon an interest in twenty-five acres of land lying in Marshall county, assessed at one dollar per acre, for which he the said John Parriott had executed and acknowledged a deed, the said deed bearing date the 15th day of July 1838. And by the depositions of Nicholas Wikert and Andrew Miller it appears that the twenty-five acres of land conveyed by John Parriott to his son Turner Parriott, and upon which the said Turner voted as aforesaid, was a part of a tract containing one hundred acres which had been patented to the said John Parriott and Nicholas Wikert; that the said Wikert discovered in July 1837 that a certain M. Howser had a prior and better claim to one thousand acres of land including the said tract of one hundred acres, which he has subsequently sold. By reference to the land book of the commissioner of the revenue in the county of Marshall for 1838, it appears that the said tract of land of one hundred acres claimed by Wikert and John Parriott is assessed to John Parriott and the said Wikert at fifty cents per acre:

Resolved therefore as the opinion of this committee, That the vote of the said Turner Parriott is illegal.

And the question being put thereupon was determined in the affirmative.

On motion of Mr. Chapman the ayes and noes thereupon were recorded as follow:

Ayes—Messrs. Cropper, Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Fox, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Carroll of Grayson, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, May, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince and Stanger—56.

Noes—Messrs. Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of

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Berkeley, Hunter, Kyle, Toler, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Smith of Mason and Jackson, Evans, Massie, M'Connell, Keen, Tallman, Walden, Robertson, Leyburn, Dorman, Stephenson, Walker, and Jackson of Wood—51.

The thirty-second, thirty-third and thirty-fourth resolutions declaring the votes of Alexander Clegg, James Luke and William Wilson to be illegal votes, were severally agreed to.

The thirty-fifth resolution declaring the vote of James Games to be *illegal*, was amended on motion of Mr. CHAPMAN by striking therefrom the word *illegal* and inserting in lieu thereof the word *legal*, and as amended was agreed to.

The thirty-sixth resolution declaring the vote of Eli Tolbert to be *illegal* was amended on motion of Mr. STEPHENSON by striking therefrom the word *illegal* and inserting in lieu thereof the word *legal*, and as amended was agreed to.

The thirty-seventh resolution declaring the vote of Daniel Jones to be illegal was agreed to.

The thirty-eighth resolution is the following:

In relation to the vote of the said Dennis M. Parriott, it appears by his own deposition that he had been a housekeeper and head of a family for twelve months preceding the last election; was assessed with a part of the revenue for the year 1839 and paid the same before he voted. By reference to the commissioner's books for the year 1838, it appears that the said Parriott was assessed with a horse in that year. The deponent further states that he lives in a house with Mr. Price, having possession of one room in the house, over which he has entire control; by the agreement between them the deponent is to regard the apartment occupied by him as his own; that the deponent uses his own furniture and the two families eat at the same table, the supplies being furnished in equal proportions by the parties; Mr. Price owns the land a part of which deponent farms separately and pays rent for it, but no rent for the house separately, "which is taken into consideration of the rent as is usually the case in such instances." Repairs to the house have been made by them for which deponent paid his portion. By reference to the list of delinquents in the revenue returned by the sheriff of Marshall for the year 1838, it appears that the said Dennis M. Parriott was returned delinquent:

Resolved therefore, That the vote of the said Dennis M. Parriott is illegal.

And the question being put thereupon was determined in the affirmative.

On motion of Mr. CHAPMAN the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Carpenter, M'Cue, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Fox, Coleman, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Powell, Alderson, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Carroll of Grayson, Gibson, Allen of Hampshire, White, Lee, Armstrong, Hamlett, Smith of Isle of Wight, Wright, Tayloe of King George, Fontaine, Ewing, Beard, Lipscomb, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Watts, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Keen, Carroll of Preston, Heath, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Grievor, Ridley, Fitzhugh, Clarke of Surry, Prince, Walker and Stanger—70.

NOES—Messrs. Cropper, Southall, Wood, Cabell, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Toler, Corbin, Cardwell, Broadus, Roane, Marshall, Scott of Fauquier, Smith of Gloucester, Erskine, Seymour, M'Rae, Worthington, Kennedy, Reynolds, Tayloe of Lancaster and Richmond, Ramey, Harrison, Massie, M'Connell, May, Tallman, Ratcliffe, Walden, Robertson, Leyburn and Stephenson—36.

The thirty-ninth resolution declaring the vote of James Patterson to be illegal was agreed to.

The fortieth resolution being under consideration,

On motion of Mr. CHAPMAN the house adjourned until to-morrow morning ten o'clock.

WEDNESDAY, JANUARY 8, 1840.

A communication from the senate by their clerk:

IN SENATE, JANUARY 7, 1840.

The senate have passed the bills, entitled

"An act to authorize a separate election at Milford in the county of Harrison."

"An act to incorporate the Dutoy and Powhatan coal companies."

"An act changing the time of holding the circuit superior court of Randolph county."

"An act to revive and amend the act incorporating the Madison manufacturing company."

"An act to change the place of training of the officers of the 95th regiment of Virginia militia."

"An act to incorporate the Clover Hill coal mining and iron manufacturing company."

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"An act concerning the estate of George E. Harrison deceased."

"An act to incorporate the Ligon coal mining company."

"An act to authorize a separate election at the house of George Swheir in the county of Frederick;" and

"An act to amend and explain the act, entitled 'an act establishing the county of Pulaski of parts of the counties of Montgomery and Wythe.'"

On motion of Mr. WILSON, *Resolved*, That this house will proceed by joint vote with the senate on the 17th instant to elect a judge of the general court to supply the vacancy in the eighth judicial circuit, occasioned by the death of William Daniel esquire.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. ALDERSON presented a letter from R. Thompson relative to a notice to accompany the petition from the county of Nicholas for a precinct election in said county, which was referred to the committee of propositions and grievances.

Mr. TAYLOR *of Mathews and Middlesex* presented a petition of citizens of the county of Mathews praying for certain privileges in hauling seines, which was referred to the committee for courts of justice.

Mr. CRUTCHFIELD a petition of citizens of the counties of Louisa and Spottsylvania for the passage of an act declaring the North Anna river a lawful fence between Dabney's and Jordon's mills, which was referred to the committee on agriculture and manufactures.

Also a petition of the female orphan asylum at Fredericksburg that a law may be passed authorizing the overseers of the poor and school commissioners in any county in Virginia to pay to the managers of the female orphan asylum at Fredericksburg such amount as they are now or may hereafter be allowed by law to pay for the support and education of poor orphan girls whenever such girls shall with their approbation be placed in said institution, which was referred to the committee of schools and colleges.

And a petition of the mayor, common council and citizens of the town of Fredericksburg for a limited extension of time within which to complete an undrawn lottery, which was referred to the committee for courts of justice.

On motion of Mr. MICHAUX, *Resolved*, That leave be given to bring in a bill allowing further time to William Crump for the completion of his mill dam across Appomattox river in Powhatan county, and that Messrs. Michaux, Cox, Flood, Wilson, Kyle and Guerrant bring in the same.

On motion of Mr. HODGES, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so amending the 13th section of the act, entitled "an act directing the course of descents" as to extend the exception therein to all persons being in *ventre sa mere* at the time the descent be cast, who would be heirs of the intestate if in being and capable to take in law as heirs at the intestate's death.

Mr. ROBERTSON presented a petition of Samuel Freeman asking that the expenses incurred by him individually in transporting supplies to Yorktown on the occasion of the reception of the marquis Lafayette may be allowed out of the public treasury, which on his motion was referred to the committee of propositions and grievances.

On motion of Mr. TAYLOE *of King George* the resolution submitted by Mr. BYRD on the second instant for the election of an United States senator was taken up.

The same is as follows:

Resolved, That this house by joint vote with the senate will proceed *on Monday the 13th* instant to the election of a United States senator to supply the vacancy occasioned by the expiration of the term of service of William C. Rives esq.

On motion of Mr. MAY the same was amended by striking therefrom the words "*Monday the thirteenth*," and inserting in lieu thereof the words "*the twenty-third*," and as amended was agreed to.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The report of the committee of privileges and elections upon the memorial of Elbert H. Caldwell complaining of the undue election of John Scott, the delegate from the county of Marshall, was taken up.

The fortieth resolution is the following:

In relation to the vote of the said Thomas Burrows, it appears by his own deposition that he voted on a right to a tract of land containing fifty acres lying in Marshall county, which he purchased in April 1838 for three hundred dollars—he paid fifty dollars cash, and at several times has made payments amounting to nearly three hundred dollars—the year before he removed to the said land he rented it to his father, and since the first of April last has lived on it himself. By the terms of the contract, which is not in writing, he was entitled to a deed for said land when two hundred dollars were paid, and he thinks that amount was paid six months before the last election.

The deponent's father spoke to Morgan Jones to draw a deed for the said land, which he understands was done some time in last May before the election, but it has not yet been executed, deponent not having had time to attend to it as Jones lives about twenty miles from him:

Resolved therefore, That the vote of the said Thomas Burrows is illegal.

The question was put upon agreeing to the said resolution and was determined in the negative.

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On motion of Mr. TAYLOE *of King George* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Fontaine, Ewing, Lipscomb, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Aleshire, Hiner, Heath, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Goodson and Stanger—52.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Hale, Wade of Franklin, Baker, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Goode, Evans, Hodges, Massie, Watts, Fitzgerald, M'Connell, Hiden, Staples, May, Tunstall, Keen, Tallman, Michaux, Venable, Ratcliffe, Walden, Robertson, Leyburn, Dorman, Crutchfield, Spotts, Stephenson and Walker—69.

The forty-first, forty-second, forty-third, forty-fourth and forty-fifth resolutions, declaring the votes of Jesse Bane and seventeen others, of William M'Farland, Garrett Snedeger, Francis M'Grath and Hugh Kerr to be legal votes, were severally agreed to.

The forty-sixth resolution is the following:

In relation to the vote of the said William Clauson, it appears by his own deposition that he was born in Ireland—that five or six years ago he declared his intention to become a citizen of the United States, before the court of Ohio county, Virginia—two years afterwards he went before the court and took the oath of allegiance as a citizen—he proved to the court at that time that he had been a peaceable citizen, which was satisfactory to the court, and he was admitted a citizen of the United States—that he did not obtain a certificate from the clerk, not deeming it necessary to do so:

Resolved therefore, That the vote of the said William Clauson is legal.

The question being put thereupon was determined unanimously in the affirmative.

On motion of Mr. BANKS the said vote was recorded as follow:

AYES—Messrs. Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Powell, Marshall, Scott of Fauquier, Alderson, Howell, Hale, Wade of Franklin, Baker, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Watts, Hudnall, Fitzgerald, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger—111.

The forty-seventh resolution is the following:

In relation to the vote of the said John Allen, it appears by his own deposition that he was more than twenty-one years of age, was born in the county of Ohio, now Marshall, was a housekeeper and the head of a family in the said county more than twelve months before the election, and was assessed with a part of the revenue of the commonwealth for the year 1838, and paid the same before he voted.

Deponent states that he and his father-in-law both live in the same house, his father-in-law in one part and he in the other; they eat at the same table, but each provides his portion of the provisions, and they share equally the expenses of housekeeping; they farm together and divide the profits of the farm. He considers the house as much his as Mr. Bartow's. Their families are about equal in size, and deponent's wife does the chief work of housekeeping. That Mr. Bartow voted on a freehold interest:

Resolved therefore, That the vote of the said John Allen is legal.

The question being put thereupon was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Smith of Mason

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and Jackson, Evans, Myers of Morgan, Hodges, Massie, Watts, M'Connell, Hiden, Hiner, May, Tunstall, Keen, Tallman, Walden, Robertson, Leyburn, Dorman, Quillen, Stephenson, Walker, and Jackson of Wood—65.

Noes—Messrs. Gilmer, (speaker,) Carpenter, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Hudnall, Fitzgerald, Aleshire, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Smith of Rockingham, Shipman, Smith of Russell, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince and Stanger—49.

On motion of Mr. White the report was laid upon the table.

Mr. White presented a petition of Mary W. Lawson for a divorce from her husband Fabius Lawson, which was referred to the committee for courts of justice.

On motion of Mr. Hunter the house adjourned until to-morrow ten o'clock.

THURSDAY, January 9, 1840.

A communication from the senate by their clerk:

IN SENATE, January 8, 1840.

The senate have passed the bills, entitled,

"An act concerning the town of Laurenceville in the county of Brunswick."

"An act to amend the act authorizing the sale of certain lands late the property of Cornelia Hopkins deceased;" and

"An act to amend the act, entitled 'an act declaring Greenbrier river a public highway.'"

They have also passed the bill, entitled,

"An act to authorize two separate elections in the county of Loudoun and one in the county of Halifax," with an amendment in which they request the concurrence of the house of delegates.

The said amendment was agreed to by the house.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Southall the report of the committee of privileges and elections upon the memorial of Elbert H. Caldwell complaining of the undue election of John Scott the delegate from the county of Marshall was taken up; thereupon the forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second and fifty-third resolutions declaring the votes of John Custor, Bonard A. Connelly, David Allen, George M'Caskey, David M'Mechen and George Majors to be legal votes were severally agreed to.

The fifty-fourth resolution is the following:

In relation to the votes of the said David Majors and John Majors, it appears by the deposition of Joseph Majors that the said David and John are both over twenty-one years of age; that they voted at the last election on one hundred and sixty or one hundred and seventy acres of land, which is assessed in the name of Elias Majors; that the said land was purchased by the said John and David, together with their brothers Elias, Daniel, George and Joseph, about twelve years ago from Elias Majors, since deceased. By a written agreement between the said John, David and others and the said Elias, the latter bound himself and his heirs to make a deed to them when all the money was paid; they have paid about thirteen hundred dollars in equal proportions; having equal interests in the land they pay equal portions of the purchase money: the principal part of this sum was paid more than a year ago, and about six hundred dollars remain due; and the said Elias, the grantor, having died, and his heirs not being able to make a deed, the payment of the balance has been delayed on that account. David and John are now and have been for some years past living on different parts of said land:

Resolved, That the votes of the said David Majors and John Majors are legal.

And the question being put upon agreeing to the same was determined in the affirmative.

On motion of Mr. Banks the ayes and noes thereupon were recorded as follow:

Ayes—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, Armstrong, M'Rae, Hamlett, Worhington, Kennedy, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Goode, Evans, Hodges, Massie, Watts, M'Connell, Hiden, Staples, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Leyburn, Dorman, Crutchfield, Stephenson and Walker—67.

Noes—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Cox, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Clark of Halifax, Allen of Hamp-

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shire, Lee, Smith of Isle of Wight, Fontaine, Lipscomb, Banks, Taylor of Mathews and Middlesex, Baskerville, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Hudnall, Fitzgerald, Aleshire, Hiner, May, Michaux, Heath, Ratcliffe, Sturm, Robertson, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson, Jackson of Wood, and Stanger—55.

The fifty-fifth resolution declaring the votes of Andrew Kiger and twenty-one other persons to be legal votes was agreed to.

A motion was then made by Mr. CHAPMAN (a member voting with the majority) that the fifth rule of this house be suspended for the purpose of reconsidering the vote concurring with the committee in the 20th resolution, and the question being put thereupon was determined in the affirmative.

On motion of Mr. CHAPMAN the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Cropper, Carpenter, Wood, Cabell, M'Cue, Stuart, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Powell, Howell, Wade of Franklin, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Clark of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lawson, Beard, Ramey, Lipscomb, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Watts, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, May, Keen, Michaux, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Walker and Stanger—88.

NOES—Messrs. Southall, Lockridge, Burwell of Bedford, Hunter, Kyle, Flood, Toler, Fox, Corbin, Roane, Marshall, Scott of Fauquier, Alderson, Hale, Smith of Gloucester, Erskine, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Harrison, Smith of Mason and Jackson, Evans, M'Connell, Staples, Tunstall, Tallman, and Jackson of Wood—33.

The said vote was then reconsidered, and the said resolution was read as follows:

In relation to the vote of the said Andrew Montgomery, it appears by his own deposition that he was a citizen of Marshall county more than one year before the last election. That he voted on a title bond for one hundred acres of land lying in said county, of which he had enjoyed peaceable possession more than one year before voting, and had improved a portion of it on which he now resides. He "had paid upwards of one hundred dollars on it:"

Resolved, That the vote of the said Andrew Montgomery is illegal.

And the question being put upon agreeing to the said resolution was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Cox, Broadus, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Clark of Halifax, Gibson, Seymour, Lee, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Watts, Fitzgerald, Hiden, Aleshire, Staples, Hiner, Tunstall, Keen, Tallman, Michaux, Roberts, Heath, Ratcliffe, Sturm, Walden, Robertson, Leyburn, Dorman, Smith of Rockingham, Smith of Russell, Quillen, Conn, Griever, Ridley, Crutchfield, Clarke of Surry, Prince, Stephenson, Goodson, and Jackson of Wood—87.

NOES—Messrs. Carpenter, M'Cue, Hannah, Jackson of Braxton and Lewis, Burwell of Clarke and Warren, Wilson, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Allen of Hampshire, Armstrong, Wright, Fontaine, Goode, Clayton, Chapman, Allyn of Norfolk borough, Hudnall, May, Carroll of Preston, Venable, Snyder, Shipman, Bare, Fitzhugh, Walker and Stanger—32.

The fifty-sixth, fifty-seventh and fifty-eighth resolutions declaring the votes of John Wilson, John A. Roe, and Gaius Roberts, to be legal votes were on questions put thereupon agreed to by the house.

A motion was then made by Mr. SMITH *of Isle of Wight* that the house do now adjourn, and it was decided in the affirmative.

On motion of Mr. BUTTS the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Southall, Wood, Stuart, Lockridge, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Fox, Corbin, Burwell of Clarke and Warren, Hale, Baker, Byrd, Smith of Gloucester, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Hudnall, Hiden, Aleshire, Hiner, May, Tunstall, Tallman, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm,

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Snyder, Leyburn, Conn, Ridley, Clarke of Surry, Prince, Stephenson, Goodson, Jackson of Wood, and Stanger—61.

Noes—Messrs. Cropper, Carpenter, Cabell, M'Cue, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Cardwell, Broadus, Wilson, Whitworth, Roane, Powell, Marshall, Scott of Fauquier, Alderson, Howell, Wade of Franklin, King, Guerrant, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Hamlett, Worthington, Kennedy, Fontaine, Ewing, Ramey, Harrison, Lipscomb, Banks, Taylor of Mathews and Middlesex, Evans, Wade of Montgomery and Pulaski, Watts, Staples, Keen, Roberts, Walden, Robertson, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Griever, Crutchfield and Walker—54.

And the house adjourned till to-morrow morning ten o'clock.

FRIDAY, January 10, 1840.

A communication from the senate by their clerk:

IN SENATE, January 9, 1840.

The senate have passed the bills entitled,

"An act concerning special courts of appeals."

"An act changing the time of holding the circuit superior court of law and chancery for the county of Greenbrier;" and

"An act to incorporate the Daniel's run and Hailsford turnpike company."

Mr. Michaux according to order presented the following bill:

No. 78. A bill allowing further time to William Crump for the completion of a mill-dam.

Mr. Hannah presented a petition of Andrew Dill and others praying for leave to erect a dam across James river in the county of Botetourt for the purpose of building a mill on said river, which was referred to the committee of propositions and grievances.

Mr. Watts presented a petition of citizens of the county of Norfolk praying for a liberal and extensive system of education in the commonwealth.

Mr. Goodson presented a petition of the trustees of Emory and Henry college in the county of Washington asking a donation for the benefit of said college.

The said petitions were referred to the committee of schools and colleges.

Mr. Robertson presented a petition of A. Collins praying that a company may be incorporated for the manufacture of axes, tools &c. in the city of Richmond, which was referred to the committee of agriculture and manufactures.

Mr. Whitworth presented a petition of Martha A. Elliott to be authorized to make sale of certain real estate, which was referred to the committee for courts of justice.

On motion of Mr. Burwell *of Clarke and Warren*, *Resolved*, That the committee for courts of justice be directed to bring in a bill authorizing the quarterly terms of Warren county court to be altered from the fourth Thursday in June to the fourth Thursday in May of each year.

The report of the committee of privileges and elections upon the memorial of Elbert H. Caldwell complaining of the undue election of John Scott the delegate from the county of Marshall, was taken up.

The fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh and sixty-eighth resolutions, declaring the votes of Robert Tomlinson, Thomas Taylor, James Purdy, James Jameson, Joshua Blake, Michael Pyles, Edward W. Carier, Edward Supler, Friend Cox and Simeon Purdy sen'r to be legal votes were severally agreed to.

The house on motion recurred to the seventh resolution, which was passed by on the 21st instant.

The said resolution is the following:

The vote of Jacob Cofield was next taken up by your committee, when the memorialist objected to the reading the deposition of the said Cofield, taken to sustain his vote, upon the ground that he the memorialist was obliged to attend court on the day it was taken, and could not attend the taking of the deposition. This objection was overruled by the committee, and the deposition was accordingly read, by which it appeared that notice was given the memorialist by the returned member, that the said deposition would be taken at the house of John T. M'Creery on the 16th October, and that it was taken at the house of the deponent. Upon this ground the deposition was rejected. And no other evidence being exhibited to establish the legality of the vote:

Resolved, That the vote of the said Jacob Cofield is illegal.

And the question being put upon agreeing to the said resolution was determined in the affirmative.

On motion of Mr. Fontaine the ayes and noes thereupon were recorded as follow:

Ayes—Messrs. Southall, Wood, Cabell, Stuart, Lockridge, Burwell of Bedford, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Roane, Marshall, Scott of Fauquier, Alderson, Hale, Wade of Franklin, Baker, Smith of Gloucester, Guerrant,

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Erskine, Seymour, Lee, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Hiner, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson, Walker, and Jackson of Wood—62.

Nors—Messrs. Gilmer, (speaker,) Cropper, Carpenter, M'Cue, Mitchell, Hannah, Meredith, Haskins, Burwell of Clarke and Warren, Wilson, Powell, Howell, Byrd, King, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, May, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—58.

The sixty-ninth resolution declares that the votes of Thomas Clegg, John Henderson, Jacob Cofield, H. B. O'Neal, John Rogerson, Francis Campbell, John Allen, Charles M'Keneghan, Robert Rush, *William H. Kirkman*, William H. Henry, Lewis Tomlinson, Joseph Tomlinson, Andrew Montgomery, David Hedrickson, John Marshall, *Edward Wilkinson*, Jacob Richmond, *Joshua Burge*, Moses Smalley, George Ryan, *William Travis*, William Clarke, Frederick Smith, *James Criswell*, John Williams, Timothy Mayhall, Alexander Barr, James Parks, William Ruth, Ebenezer Buchanan, Jehu Parsons, Reason Biddle, David Maclane, *Edward Campbell* and *Owen Riley* ought to be stricken from the poll of the returned member because they are illegal.

On motion of Mr. Southall the said resolution was amended by striking therefrom the names of "William H. Kirkman, Edward Wilkinson, Joshua Burge, William Travis, James Criswell, Edward Campbell and Owen Riley," and as amended was agreed to by the house.

The seventieth resolution declaring that the votes of John Moore, Ralph Marsh, Robert Clendening, William Collins, James Gallaher, William Moore, James Baird, Turner Parriott, Alexander Clegg, James Luke, William Wilson, David Bonar, *James Games*, Caleb Blakemore, *Eli Talbert*, Daniel Jones, Dennis M. Parriott, Joseph Hammond, Moses Tichnel, James Patterson, Allen Davis, Joseph G. Hicks and Thomas Burrows should be stricken from the poll of the memorialist because they are illegal, was amended on motion of Mr. Southall by striking therefrom the names of "James Games, Eli Talbert and Thomas Burrows."

The residue of the resolution is the following:

The polls at the close of the election stood thus:

For John Scott,	314
Deduct illegal votes,	36
Remaining good votes,	278
For Elbert H. Caldwell,	308
Deduct illegal votes,	23
Remaining good votes,	285

The same was amended on motion of Mr. Southall so as to read:

The polls at the close of the election stood thus:

For John Scott,	314
Deduct illegal votes,	29
Remaining good votes,	285
For Elbert H. Caldwell,	308
Deduct illegal votes,	20
Remaining good votes,	288

The said resolution as amended was agreed to.

The seventy-first resolution was the following:

Resolved as the opinion of this committee, That the poll ought to stand thus:

For Elbert H. Caldwell,	285
For John Scott,	278

And that Elbert H. Caldwell was duly elected to represent the county of Marshall in the present house of delegates.

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The same was amended so as to read:

Resolved as the opinion of this committee, That the poll ought to stand thus:

For Elbert H. Caldwell, - - - - - - - 288
For John Scott, - - - - - - - 285

And that Elbert H. Caldwell was duly elected to represent the county of Marshall in the present house of delegates.

Mr. BUTTS proposed to amend the same by substituting therefor the following:

Resolved, That John Scott has received a majority of the legal votes of the county of Marshall and is entitled to represent said county in the present house of delegates.

Subsequently with the leave of the house Mr. BUTTS withdrew the proposition and Mr. CROPPER renewed it; thereupon Mr. SMITH *of Isle of Wight* demanded the previous question, and the same having been sustained by the house, the question was put upon agreeing to the substitute and was determined in the negative.

On motion of Mr. CROPPER the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Burwell of Clarke and Warren, Powell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Wright, Ewing, Lipscomb, Taylor of Mathews and Middlesex, Baskerville, Goode, Aleshire, Venable, Heath, Ratcliffe, Sturm, Shipman, Quillen, Conn, Bare, Clarke of Surry, and Prince—35.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Howell, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Banks, Smith of Mason and Jackson, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, M'Connell, Hiden, Hiner, May, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Roberts, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Smith of Russell, Griever, Ridley, Crutchfield, Fitzhugh, Spotts, Stephenson, Walker, Jackson of Wood, and Stanger—88.

The question recurred upon adopting the seventy-first resolution of the committee as amended, and was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott of Fauquier, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Banks, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, M'Connell, Hiner, May, Tunstall, Keen, Tallman, Michaux, Roberts, Walden, Robertson, Leyburn, Dorman, Griever, Crutchfield, Spotts, Stephenson, Walker, and Jackson of Wood—72.

NOES—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Fitzgerald, Hiden, Aleshire, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince, Goodson and Stanger—51.

Mr. CLARK *of Halifax* presented a petition of citizens of the county of Halifax for a revision and amendment of the present system of common schools, which was referred to the committee of schools and colleges.

Also a petition of Levi A. Blankinship praying to be released from a fine imposed upon him by the circuit court of the county of Halifax, which was referred to the committee for courts of justice.

Mr. YERBY presented a petition of the overseers of the poor of the county of Northampton for the passage of an act authorizing them to purchase a tract of land for the benefit of the county, which on his motion was referred to a committee of Messrs. Yerby, Cropper, Bayly, Crafford, Allyn of Norfolk borough, and Smith of Gloucester.

Mr. BANKS submitted the following resolution, which on motion of Mr. CRUTCHFIELD was laid on the table.

Resolved, That this house will with the concurrence of the senate proceed on the instant jointly with that body to the election of a major general of the second division of Virginia militia to fill the vacancy occasioned by the resignation of general William Madison.

On motion of Mr. HUNTER, *Resolved*, That when this house adjourns to-day it will adjourn until to-morrow 12 o'clock.

On motion of Mr. RATCLIFFE the house adjourned accordingly.

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SATURDAY, JANUARY 11, 1840.

A communication from the senate by their clerk:

IN SENATE, JANUARY 10, 1840.

The senate have passed the bill, entitled,

"An act concerning the killing of deer."

And they have agreed to the resolution for electing a judge of the general court in the eighth judicial circuit, with an amendment, in which they request the concurrence of the house of delegates.

On motion of Mr. TOLER the said resolution and amendment were laid upon the table.

On motion of Mr. WORTHINGTON, *Resolved*, That the committee for courts of justice enquire into the expediency of amending the act, entitled "an act concerning the processioning of lands," passed February 26th, 1839, by repealing so much of said act as requires a majority of the acting justices of the county to be present when the appointment authorized to be made by said act is made, and that said committee report by bill or otherwise.

On motion of Mr. MAY, *Resolved*, That six copies of the Revised Code and Supplement be purchased or otherwise procured by the clerk of this house, one for the use of the committee for courts of justice and the others for the other committees of the house.

Mr. BEARD from the committee appointed to examine the second auditor's office presented a report upon the condition of said office.

Mr. WILSON from the committee of agriculture and manufactures presented the following bills:

No. 80. A bill concerning flour barrels; and

No. 81. A bill to incorporate the Bradford coal mining company in the county of Goochland.

Mr. POWELL reported with amendment a bill,

No. 55. Concerning the destruction of wild fowl in the counties of Accomack and Fairfax.

Mr. MAY from the committee for courts of justice presented the following bill:

No. 82. A bill charging real assets with the payment of simple contract debts, and declaring the mode of administering the same.

Mr. RAMEY presented a petition of citizens of the county of Loudoun praying that ferrymen and all other persons having boats, canoes, &c. on the Potomac river may be required by law to keep them secured by night so as to prevent absconding slaves from crossing said river in them.

Mr. LEE presented a memorial of Richard Randolph and Oliver Perry asking to be authorized to make sale of certain real estate.

The said petitions were referred to the committee for courts of justice.

Mr. BAKER presented a petition of citizens of the county of Frederick praying that a road may be made on state account from Winchester to the town of Bath in the county of Morgan, which was referred to the committee of roads and internal navigation.

Mr. ARMSTRONG presented a remonstrance of citizens of the county of Harrison against the selection of the town of Harrisville as the site for the seat of justice for the new county proposed to be formed out of parts of the counties of Harrison, Lewis and Wood, which was referred to the committee of propositions and grievances.

No. 64. An engrossed bill to incorporate the Exchange hotel company in the city of Richmond, was taken up on motion of Mr. ROBERTSON, read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. GOODE presented a petition of Richard B. Baptist praying for a sum of money to be allowed him for insolvent militia fines paid by him into the treasury, which was referred to the committee of finance.

On motion of Mr. THORNBURG, *Resolved*, That the committee of privileges and elections be instructed to enquire into the expediency of changing the time of meeting of the legislature from the first Monday in December to Tuesday the first day of December in the year 1840.

On motion of Mr. POWELL, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of bringing in a bill to furnish the clerks of the county courts of the respective counties in this commonwealth with a copy of the journal of the house of delegates in the manner the acts of the general assembly are now distributed, to be kept in the office of said clerk for the use of the public, and that said committee report by bill or otherwise.

Mr. HARRISON presented a petition of Verlinda Perry praying to be paid the value of a slave condemned to death, which was referred to the committee for courts of justice.

On motion of Mr. HARRISON, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so amending the 37th section of the act, entitled "an act reducing into one the several acts concerning slaves, free negroes and mulattoes," passed March 2d, 1819, as to provide for the payment of slaves transported or banished under the act, entitled "an act to suppress the circulation of incendiary publications, and for other purposes," which passed 23d March 1836; and that they farther enquire into the expediency of

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providing for the payment of $800 to Verlinda Perry for her slave Jarrett who was condemned in the month of June 1839, by the county court of Loudoun under the said act of March 23d, 1836.

The speaker laid before the house a communication from William H. Macfarland, president of the Farmers Bank of Virginia, enclosing a copy of a report submitted to the stockholders of the said bank at the annual meeting held the 7th instant, which on motion of Mr. VENABLE was referred to the committee on banks and ordered to be printed. [Doc. No. 24.]

No. 52. An engrossed bill to amend an act, entitled "an act concerning general elections in this commonwealth," was taken up on motion of Mr. SMITH *of Isle of Wight;* thereupon on motion of Mr. CRUTCHFIELD the rule of the house was suspended, and the vote ordering said bill to be engrossed was reconsidered, and the said bill was ordered to be recommitted to the committee which brought it in.

No. 69. An engrossed bill authorizing a ferry from the lands of Thomas and Ephraim Pollock in the county of Marshall across the Ohio river was on motion of Mr. STEPHENSON ordered to be laid upon the table.

The following engrossed bills were read a third time and passed:

No. 48. A bill concerning levies for the building of bridges and causeways.

No. 67. A bill incorporating the Elizabeth and Parkersburg turnpike company.

No. 70. A bill to authorize a separate election at Floyd's store in the county of Tazewell; and

No. 71. A bill changing the name of the town of Sparta in the county of Rockingham.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 54. A bill to establish a company of light infantry in the city of Richmond; and

No. 68. A bill concerning the publication of deeds, were on motions severally made ordered to be laid upon the table.

No. 72. A bill making further provision for completing the eastern section of the road on the route surveyed from Huntersville to Parkersburg was read a second time, and the question being put upon engrossing the same was determined in the affirmative.

On motion of Mr. VENABLE the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Carpenter, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Fox, Wilson, Marshall, Scott, Alderson, Payne, Howell, Hale, Baker, Byrd, King, Erskine, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Lawson, Beard, Ramey, Harrison, Caldwell, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Etheridge, Hiden, Aleshire, Hiner, May, Keen, Tallman, Sturm, Walden, Robertson, Leyburn, Shipman, Smith of Russell, Conn, Griever, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—64.

NOES—Messrs. Cropper, Southall, Wood, Cabell, Burwell of Bedford, Mitchell, Meredith, Haskins, Kyle, Flood, Corbin, Cardwell, Burwell of Clarke and Warren, Roane, Powell, Carroll of Grayson, Butts, Clark of Halifax, Smith of Isle of Wight, Gregory, Wright, Fontaine, Tayloe of Lancaster and Richmond, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Allyn of Norfolk borough, Watts, Yerby, Hudnall, Fitzgerald, Tunstall, Venable, Roberts, Heath, Ratcliffe, Smith of Rockingham, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince and Walker—44.

No. 73. A bill authorizing a further subscription on behalf of the state to the stock of the Red and Blue Sulphur springs turnpike company was read a second time, and the same being under consideration,

On motion of Mr. CHAPMAN the house adjourned until Monday 12 o'clock.

MONDAY, JANUARY 13, 1840.

A communication from the senate by their clerk:

IN SENATE, JANUARY 11, 1840.

The senate have passed the bills, entitled

"An act incorporating the Western insurance company;" and

"An act prescribing the punishment for poisoning or attempting to poison," with amendments, in which they request the concurrence of the house of delegates.

The said amendment to the first bill being twice read was agreed to.

Ordered, That the clerk inform the senate thereof.

The amendments to the bill, entitled "an act prescribing the punishment for poisoning or attempting to poison," being read, on motion of Mr. MAY the said bill and amendments were laid upon the table.

On motion of Mr. M'RAE, *Resolved*, That the register of the land office furnish the house with a statement shewing how many officers and soldiers have received military warrants for services in the revolution besides those included in the statement of the register bearing date 16th December 1834; also how many officers have received their warrants, and what portion were received prior to the end of the year 1784, and what number of

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them were of the continental line; also the number of generals, colonels, lieutenant colonels, chaplains and surgeons who have received their warrants, and the quantity of land paid to each class.

On motion of Mr. ROBERTSON, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of making further provision by law for regulating notices to quit in cases of undeterminate leases.

Mr. SOUTHALL from the committee of privileges and elections reported with amendments the following bill:

No. 52. A bill to amend an act, entitled "an act concerning general elections in this commonwealth;" which was taken up, and the said amendments being agreed to, the said bill as amended was ordered to be engrossed.

Mr. JACKSON *of Wood* from the committee on the register's office presented a report upon the condition of said office.

Mr. RAMEY from the committee of propositions and grievances presented the following bills:

No. 83. A bill providing for the removal of the seat of justice for the county of King William.

No. 84. A bill to discontinue Hooe's ferry across the Potomac from his land to Cedar Point in Maryland; and

No. 85. A bill to change the place of holding a separate election in the county of Franklin.

Mr. MAY from the committee for courts of justice presented the following bills:

No. 86. A bill concerning the arrest of poor debtors.

No. 87. A bill changing the time of holding the second quarterly term of the county court of Warren.

No. 88. A bill releasing to Susan C. Bott and Eliza Niblo the commonwealth's right to a lot in the town of Petersburg; and

No. 89. A bill changing the time of holding the circuit superior courts of Jefferson county.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented the following bill:

No. 90. A bill to amend the charter of the James river and Kanawha company.

Mr. YERBY according to order presented a bill authorizing the purchase of certain lands for the use of the poor of the county of Northampton.

On motion of Mr. CRUTCHFIELD the resolution submitted by Mr. BANKS on Friday last was taken up, and being amended on motion of Mr. BANKS, was as amended agreed to as follows:

Resolved, That this house will with the concurrence of the senate proceed on the 24th instant, jointly with that body, to the election of a major-general of the second division of Virginia militia to fill the vacancy occasioned by the resignation of general William Madison.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. RATCLIFFE, *Ordered*, That leave be given to bring in a bill to exempt the counties of Prince William and Campbell from the operation of an act, entitled "an act passed the day of 1839, relating to apprentices;" and that Messrs. Ratcliffe, Fox, Toler, Cabell, Ramey and Powell bring in the same.

Mr. TAYLOR *of Halifax* submitted the following resolution, which on motion of Mr. CRUTCHFIELD was ordered to be laid upon the table:

Resolved, That this house will proceed by joint vote with the senate on Wednesday the 29th instant to the election of a governor of this commonwealth to fill that office upon the expiration of the term of David Campbell, esq.

On motion of Mr. MAY, *Resolved*, That the committee of privileges and elections be instructed to enquire into the expediency of prescribing some general rules for the government of contested elections, and that they have leave to report by bill or otherwise.

Mr. JACKSON *of Wood* presented a document to accompany the petition of citizens of the counties of Wood, Lewis and Harrison for a new county out of parts of said counties.

Mr. MARSHALL presented a poll of citizens of the county of Fauquier relative to the formation of a new county out of said county.

The said documents were referred to the committee of propositions and grievances.

Mr. BAKER presented a petition of the president and directors of the Winchester and Potomac rail-road company asking an increase of the capital stock of the company and a conversion of the state loan into stock of the company.

Mr. RAMEY a petition of citizens of the county of Loudoun for the passage of a special road law for said county.

Mr. SHIPMAN a petition of the president and directors of the Valley turnpike company praying an amendment to the laws relative to said company.

The said petitions were referred to the committee of roads and internal navigation.

Mr. SMITH *of Mason and Jackson* presented a petition of Benjamin Wright asking to be divorced from his wife, which was referred to the committee for courts of justice.

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Mr. ERSKINE presented a petition of citizens of the town of Lewisburg for the incorporation of a savings institution in said town.

Mr. BYRD a petition of the president and directors of the Bank of the Valley in Virginia praying that certain alterations may be made in the charters of banking institutions of this state.

The said petitions were referred to the committee on banks.

Mr. JACKSON *of Braxton and Lewis* presented a petition of John Barrett and others officers of the 133d regiment praying that they may be permitted to attend their trainings in the town of Buchanan, which was ordered to be referred to the committee on the militia laws.

No. 72. An engrossed bill making further provision for completing the eastern section of the road on the route surveyed from Huntersville to Parkersburg, was read a third time, and the question being put upon its passage, was determined in the affirmative.

On motion of Mr. CLARKE *of Surry* the vote thereupon was recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Carpenter, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Thornburg, Fox, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Carroll of Grayson, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Worthington, Kennedy, Ewing, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Clayton, Evans, Chapman, Massie, Etheridge, M'Connell, Hiden, Aleshire, Hiner, May, Keen, Tallman, Carroll of Preston, Sturm, Walden, Robertson, Snyder, Leyburn, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—66.

NOES—Messrs. Cropper, Southall, Wood, Cabell, Burwell of Bedford, Meredith, Haskins, Kyle, Flood, Toler, Corbin, Cardwell, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Roane, Powell, Smith of Gloucester, Butts, Taylor of Halifax, Clark of Halifax, Hamlett, Smith of Isle of Wight, Gregory, Wright, Fontaine, Tayloe of Lancaster and Richmond, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Hodges, Allyn of Norfolk, Watts, Yerby, Hudnall, Fitzgerald, Staples, Tunstall, Michaux, Venable, Roberts, Heath, Smith of Rockingham, Ridley, Fitzhugh, Clarke of Surry, Prince and Walker—51.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 24. An engrossed bill concerning the jurisdiction of circuit superior courts, was taken up on motion of Mr. JACKSON *of Wood* and read a third time; thereupon, on motion of Mr. CRUTCHFIELD the farther consideration thereof was indefinitely postponed.

On motion of Mr. HOWELL the vote thereupon was recorded as follow:

AYES—Messrs. Carpenter, Wood, Cabell, M'Cue, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Meredith, Haskins, Kyle, Flood, Toler, Cardwell, Burwell of Clarke and Warren, Broadus, Whitworth, Crafford, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, King, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Seymour, Hamlett, Smith of Isle of Wight, Tayloe of King George, Tayloe of Lancaster and Richmond, Ramey, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Myers of Morgan, Massie, Allyn of Norfolk borough, Hudnall, Fitzgerald, Hiden, Aleshire, Staples, Hiner, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Sturm, Walden, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Goodson and Stanger—71.

NOES—Messrs. Southall, Stuart, Hunter, Jackson of Braxton and Lewis, M'Millan, Thornburg, Fox, Wilson, Roane, Powell, Scott, Byrd, Erskine, Allen of Hampshire, Lee, Armstrong, M'Rae, Gregory, Worthington, Wright, Fontaine, Lawson, Harrison, Orgain, Caldwell, Smith of Mason and Jackson, Evans, Chapman, Wade of Montgomery and Pulaski, Hodges, Etheridge, Yerby, May, Tunstall, Keen, Robertson, Leyburn, Smith of Russell, Spotts, Stephenson, Walker, and Jackson of Wood—42.

No. 55. A bill concerning the destruction of wild fowl in the counties of Accomack and Fairfax, with the amendment thereto proposed by the committee to which the same had been committed, was taken up, and the said amendment being agreed to, the said bill as amended was ordered to be engrossed and read a third time.

No. 73. A bill authorizing a further subscription on behalf of the state to the stock of the Red and Blue Sulphur springs turnpike company, was on motion of Mr. CHAPMAN ordered to be laid upon the table.

On motion of Mr. BARE the house adjourned.

TUESDAY, JANUARY 14, 1840.

The speaker laid before the house the annual report of the court of directors of the Western lunatic hospital for the year 1839, which on motion of Mr. CRUTCHFIELD was referred to the committee on lunatic asylums, and 200 copies thereof were ordered to be printed. [Doc. No. 28.]

The speaker also submitted a letter of John Southgate, president *pro tem.* of the Exchange Bank of Virginia, in compliance with a resolution of the house of delegates of the 6th instant, transmitting a list of members of the house who are stockholders of the bank, and exhibiting their indebtedness to the bank as individuals

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and as members of firms, which on motion of Mr. SOUTHALL was referred to the committee on banks and ordered to be printed. [Doc. No. 27.]

The speaker further submitted a communication from the governor as president of the board of public works in answer to the resolution of 24th December last calling for information in relation to certain locks on the Chesapeake and Ohio canal, which on motion of Mr. RAMEY was laid upon the table and ordered to be printed. [Doc. No. 29.]

Mr. SOUTHALL from the committee of privileges and elections presented a bill

No. 92. To change the time of the meeting of the next general assembly.

Mr. GOODE from the committee of schools and colleges presented the following bill:

No. 94. A bill concerning the West Liberty academy in the county of Ohio.

Mr. MAY from the committee for courts of justice reported with amendments the following bills:

No. 45. A bill concerning witnesses in civil cases; and

No. 49. A bill concerning executions and new trials in cases upon warrants.

And presented the following bills:

No. 95. A bill to prohibit betting upon elections.

No. 96. A bill to amend the several acts concerning ferries.

No. 97. A bill concerning lotteries.

No. 98. A bill incorporating the town of Triadelphia in the county of Ohio; and

No. 99. A bill amending the laws concerning attachments against absent defendants.

On motion of Mr. WADE *of Montgomery*, *Resolved*, That the committee on the militia laws be instructed to enquire into the expediency of forming a regiment in the county of Pulaski out of parts of the 35th and 75th regiments, and that they report by bill or otherwise.

On motion of Mr. LOCKRIDGE, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of making a further appropriation for the opening and construction of the road from the Great falls in the Falling spring valley in the county of Alleghany to intersect the road on Jackson's river at or near Robinson's place near Covington for the purpose of carrying into effect the object of the act, entitled "an act appropriating a sum of money for the purpose of opening a road in the counties of Bath and Alleghany, and for certain purposes therein mentioned," passed January 9th, 1834, and that they have leave to report by bill or otherwise.

On motion of Mr. TAYLOE *of Lancaster and Richmond*, *Resolved*, That the committee for courts of justice enquire into the expediency of amending the act relative to free negroes so as to authorize the clerks of the county courts to deliver them their papers of freedom only when they are about to remove from one county to another, or out of the state, and then by direction of the court.

Mr. BURWELL *of Clarke* presented a petition of citizens of Winchester and the surrounding country asking for the construction of a road from Winchester to Berry's ferry, which was referred to the committee of roads and internal navigation.

On motion of Mr. BURWELL *of Clarke*, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the necessity and propriety of extending the Northwestern turnpike road from its eastern termination to the western extremity of the Ashby's gap turnpike road and to the Berryville turnpike; also to appropriate the tolls arising from the commonwealth's stock in the Ashby's gap turnpike and the Little river turnpike companies to the extension of it to Berry's ferry, and that in the Berryville, Snicker's and Leesburg turnpike roads be applied to its extension to Berryville; which will render the communication between the east and west complete by filling up the small interruption of about twelve miles between those two points.

Mr. CRUTCHFIELD presented a memorial of citizens of the corporation of Fredericksburg and town of Falmouth praying legislative interposition to restrain the Richmond, Fredericksburg and Potomac rail-road company from so locating and constructing their bridge across the Rappahannock as to injure the navigation of the river, which was referred to the committee of roads and internal navigation.

Mr. WOOD presented a petition of Elizabeth A. Binns asking to be divorced from her husband, which was referred to the committee for courts of justice.

Mr. WATTS presented a petition of citizens of the town of Portsmouth praying certain amendments to the act incorporating the town, qualifying the right of suffrage as now exercised in the election of trustees of that town, which was referred to the committee of propositions and grievances.

On motion of Mr. SOUTHALL the report of the committee of privileges and elections upon the memorial of Caleb Tanzey complaining of the undue election of James Evans, one of the delegates from the county of Monongalia was taken up. [Doc. No. 19.]

On motion of Mr. SOUTHALL, *Resolved*, That Caleb Tanzey be authorized to be heard at the bar of the house upon the subject matter of said report.

The first resolution is the following:

Resolved, That under the particular facts and circumstances of the present contest, the notice of the con-

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testing candidate delivered to the sitting member on the 13th June 1839 of his intention to contest his seat in the present house of delegates is sufficient and ought to be sustained.

A motion was made by STEPHENSON to amend the same by substituting therefor the following:

Resolved, That the notice of the contesting candidate delivered to the sitting member on the 13th June 1839 of his intention to contest his seat in the present house of delegates is insufficient and ought not to be sustained.

And the question being put upon adopting the said substitute was determined in the negative.

On motion of Mr. STEPHENSON the ayes and noes thereupon were recorded as follow:

AYES—Messrs. Wood, Stuart, Myers of Berkeley, Hunter, Kyle, Burwell of Clarke and Warren, Broadus, Marshall, Scott, Payne, Hale, Wade of Franklin, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Caldwell, Smith of Mason and Jackson, Hodges, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Tallman, Roberts and Stephenson—32.

NOES—Messrs. Bayly, Cropper, Southall, Cabell, M'Cue, Lockridge, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Wilson, Whitworth, Crafford, Roane, Powell, Alderson, Howell, Baker, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, Smith of Isle of Wight, Kennedy, Wright, Fontaine, Ewing, Ramey, Harrison, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Hudnall, Fitzgerald, Aleshire, Hiner, Keen, Michaux, Carroll of Preston, Venable, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Clarke of Surry, Prince, Goodson, Walker, Jackson of Wood, and Stanger—89.

The question recurred upon agreeing to the resolution of the committee and was determined in the affirmative.

On motion of Mr. STEPHENSON the vote aforesaid was recorded as follow:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Cabell, M'Cue, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Roane, Marshall, Alderson, Howell, Baker, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, Wright, Fontaine, Ewing, Beard, Ramey, Harrison, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Hudnall, Fitzgerald, Hiden, Aleshire, Staples, Hiner, Tallman, Michaux, Carroll of Preston, Venable, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Goodson and Stanger—94.

NOES—Messrs. Stuart, Hunter, Kyle, Broadus, Powell, Hale, Wade of Franklin, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Caldwell, Smith of Mason and Jackson, Hodges, Watts, Etheridge, M'Connell, May, Tunstall, Keen, Roberts and Stephenson—28.

On motion of Mr. HUNTER the house adjourned.

WEDNESDAY, JANUARY 15, 1840.

A communication from the senate by their clerk:

IN SENATE, JANUARY 14, 1840.

The senate have passed the bills, entitled

"An act concerning western land titles."

"An act changing the name of the town of Sparta in the county of Rockingham;" and

"An act to authorize a separate election at Floyd's store in the county of Tazewell."

They have also passed the bill, entitled

"An act concerning certain loans heretofore authorized for the Northwestern turnpike road," with an amendment, in which they request the concurrence of the house of delegates.

And they have agreed to the resolution for the election of a major-general of the second division of militia.

The said amendment being twice read was agreed to.

Ordered, That the clerk inform the senate thereof.

The speaker laid before the house a communication from A. Robinson jr., cashier of the Bank of Virginia, transmitting the information called for by the resolution of the house adopted on the sixth instant, shewing the amount of stock of the bank held by members of the house of delegates, and their indebtedness as indivi-

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duals or as members of firms, which on motion of Mr. CRUTCHFIELD was referred to the committee on banks and ordered to be printed. [Doc. No. 30.]

Mr. WILSON from the committee on agriculture and manufactures presented the following bills:

No. 100. A bill to incorporate the Virginia axe company; and

No. 101. A bill to increase the stock of the Dover coal mining company, and to grant them manufacturing privileges.

Also a report upon the petition of Nathaniel Penick and others in relation to declaring a portion of the Appomattox river a lawful fence.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented the following bills:

No. 102. A bill to amend an act, entitled "an act concerning the Valley turnpike company."

No. 103. A bill to amend an act, entitled "an act declaring Simpson's creek a public highway."

Mr. MAY from the committee for courts of justice presented a report upon the petition of Samuel Howell, in relation to the non-observance of the sabbath.

And the following bills:

No. 104. A bill amending the laws in relation to the course of descents.

No. 105. A bill changing the time of holding the spring term of the circuit superior court for the 21st district for the trial of criminal causes; and

No. 106. A bill concerning the draining of lands.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented the following bill:

No. 107. A bill fixing the site for the seat of justice for the county of Pulaski.

On motion of Mr. CLARKE *of Surry* the house adopted the following preamble and resolution:

Whereas the clerk's office of the county court of Surry was forcibly entered on the night of the 8th day of April last, and the book in which deeds had been recorded from the day of 1834, to the 25th day of March 1839, were together with the order book of the circuit superior court and sundry papers stolen therefrom, and it being desirable so far as may be, that the deeds recorded in said book be again recorded and the orders of the said court be renewed:

Resolved therefore, That a select committee be appointed for the purpose of enquiring into the expediency of providing by law for renewing the record of the deeds and records, so stolen or destroyed, with leave to report by bill or otherwise.

And a committee was appointed of Messrs. Clarke of Surry, Prince, Meredith, Butts, Ridley, Hodges and Heath.

On motion of Mr. JACKSON *of Wood*, *Resolved*, That the committee for courts of justice enquire into the expediency of repealing or extending the proviso of the 5th section of the act of the 15th March 1838, entitled "an act to amend and explain the laws concerning western land titles."

On motion of Mr. SHIPMAN, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the propriety of passing a law imposing a penalty upon persons who shall remove barriers placed upon a turnpike road by the company to change the direction of the travelling upon the road.

On motion of Mr. STUART, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of authorizing the county court of Augusta to subscribe to the capital stock of the Valley turnpike road, and that they have leave to report by bill or otherwise.

On motion of Mr. BROADUS, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of increasing the reward for apprehending absconding male slaves over 16 years of age within a certain distance of the dividing lines between this state and the states of Maryland, Pennsylvania and Ohio, and that they have leave to report by bill or otherwise.

Mr. MAY presented the petition of citizens of the county of Monongalia for the passage of an act to allow further time to make deeds for lands sold for non-payment of taxes.

Mr. ROBERTSON a memorial of citizens of the city of Richmond remonstrating against the petition of J. B. Harvie.

Mr. BURWELL *of Bedford* a petition of the guardian of John H. Markle praying that the county court of Bedford be empowered to decree an investment in real estate in the state of Missouri, of his interest in the proceeds of real property in this state hitherto sold under a decree of said court.

The said petitions were referred to the committee for courts of justice.

Mr. CARROLL *of Preston* presented a petition of Buckner Fairfax and others asking an act of incorporation under the name and style of the Preston rail-road, lumber and mining company; which was referred to the committee of roads and internal navigation.

Mr. BAYLY presented a petition of Richard S. Rue and sundry citizens of the county of Accomack praying the passage of an act allowing the said Rue the value of a negro purchased by him under a sale by the commonwealth, the said negro having since run away; which was referred to the committee of claims.

Mr. CLAYTON presented documents relative to the formation of a new county out of parts of the counties of Monongalia and Harrison.

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Mr. ARMSTRONG presented the poll taken in the county of Harrison for the said new county.

Mr. TOLER a petition of citizens of Campbell for a new county to be formed of parts of the counties of Campbell, Bedford, Pittsylvania and Franklin.

Mr. BURWELL *of Bedford* a counter-memorial of citizens of the county of Bedford opposing the formation of the said county.

The said petitions were referred to the committee of propositions and grievances.

No. 79. A bill allowing further time to William Crump for the completion of a mill-dam, was taken up on motion of Mr. MAY, read the first and second times and (by general consent) ordered to be engrossed.

No. 91. A bill authorizing the purchase of certain lands for the use of the poor of the county of Northampton, was taken up on motion of Mr. YERBY, read the first and second times and ordered to be referred to the committee for courts of justice.

The report of the committee of privileges and elections upon the memorial of Caleb Tanzey complaining of the undue election of James Evans one of the delegates from the county of Monongalia, was taken up on motion of Mr. SOUTHALL. [Doc. No. 19.]

The second resolution was read as follows:

Having disposed of the foregoing objection and adopted the foregoing resolution your committee were proceeding to examine the testimony taken and filed by the contesting candidate in support of his memorial when the said James Evans objected to the reading of the same upon the ground that the petitioner did not commence taking the depositions proposed to be read within one month after the delivery of his notice contesting said election. The delivery of said notice was, as before stated, on the 13th day of June 1839; the day on which the petitioner commenced taking his depositions was on the 13th day of July 1839, being a period of thirty days. Your committee construing the word "month" used in the act concerning general elections to mean a calendar and not a lunar month, overruled the objection and adopted the following resolution:

Resolved, That the petitioner in this case commenced taking his depositions within the time prescribed by law.

And the question being put upon agreeing to the said resolution was determined in the affirmative.

On motion of Mr. STEPHENSON the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cropper, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Scott, Alderson, Payne, Howell, Wade of Franklin, Baker, Byrd, King, Smith of Gloucester, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Kennedy, Reynolds, Wright, Fontaine, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Smith of Rockingham, Shipman, Quillen, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson, Walker, Jackson of Wood, and Stanger—114.

NOES—Messrs. Southall, Hale, Guerrant, Worthington, Tayloe of King George, Tayloe of Lancaster and Richmond, Caldwell, Hodges, M'Connell, Robertson and Stephenson—11.

The third resolution of the committee is the following:

Resolved, That the memorial of the said Caleb Tanzey be rejected.

A motion was then made by Mr. ALLYN *of Norfolk borough* to amend the same by substituting therefor the following:

Resolved, That the evidence set forth in this case establishes illegality in conducting the said election and the making the return thereof which are sufficient to vitiate the said election *so far as relates to the sitting and the contesting members, and that the same be set aside, and that a new writ of election be issued to fill the seat now occupied by James Evans of the county of Monongalia.*

A motion was made by Mr. GREGORY to amend the amendment by striking therefrom the words "so far as relates to the sitting and the contesting members, and that the same be set aside, and that a new writ of election be issued to fill the seat now occupied by James Evans of the county of Monongalia."

And the question being put thereupon was determined in the negative.

On motion of Mr. GOODE the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, Kyle, Flood, Toler, Corbin, Coleman, Cardwell, Broadus, Whitworth, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of

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Mason and Jackson, Hodges, Massie, Etheridge, Yerby, M'Connell, Staples, Tunstall, Keen, Walden, Robertson, Leyburn, Stephenson, Walker, and Jackson of Wood—59.

Noes—Messrs. Bayly, Carpenter, Lockridge, Hannah, M'Millan, Meredith, Haskins, Thornburg, Fox, Cox, Burwell of Clarke and Warren, Wilson, Crafford, Powell, Payne, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Watts, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, May, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—69.

On motion of Mr. Scott the house adjourned.

THURSDAY, January 16, 1840.

A communication from the senate by their clerk:

IN SENATE, January 16, 1840.

The senate have passed the bill, entitled

"An act changing the time of holding the fall term of the circuit superior court of Culpeper."

On motion of Mr. Ratcliffe, *Ordered*, That leave be given to Wileman Thomas to withdraw his petition presented at the last session of the general assembly.

Mr. Wilson from the committee on agriculture and manufactures presented the following bill:

No. 108. A bill to incorporate the Potomac and Alleghany coal and iron manufacturing company.

Mr. Crutchfield from the committee of roads and internal navigation presented the following bills:

No. 109. A bill authorizing an increase of the capital stock of the Rappahannock company.

No. 110. A bill incorporating the Carnifex ferry bridge company; and

No. 111. A bill to convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock and for other purposes.

Mr. Venable from the committee on banks presented the following bill:

No. 112. A bill incorporating the Lewisburg savings institution, society or bank.

And from the committee of finance presented reports upon resolutions concerning the time of paying poor rates and the time of placing clerks' fees in the hands of collectors, and concerning the time of paying county dues and the time of paying the fees of certain officers.

Mr. Clarke *of Surry* according to order presented the following bill:

No. 113. A bill concerning the preservation of records.

Mr. Goode from the committee of schools and colleges presented the following bills:

No. 114. A bill to amend the act, entitled "an act to incorporate the trustees of the Halifax academy."

No. 115. A bill to amend an act, entitled "an act incorporating the trustees of the Union academy of Campbell."

No. 116. A bill incorporating the trustees of the Concord female seminary.

No. 117. A bill incorporating the Wellsburg Jefferson seminary; and

No. 118. A bill incorporating the Mercantile library association of Richmond.

Mr. May from the committee for courts of justice reported with amendment

No. 91. A bill authorizing the purchase of certain lands for the use of the poor of the county of Northampton.

And presented a report upon the petition of Henry D. Warwick, and the following bill:

No. 119. A bill concerning the water works of the city of Richmond.

On motion of Mr. May the committee for courts of justice was discharged from the resolution for enquiring into the expediency of amending the 17th section of the general election law, and the same was ordered to be referred to the committee of privileges and elections.

On motion of Mr. May the committee for courts of justice was discharged from the memorial of citizens of the city of Richmond remonstrating against the petition of J. B. Harvie, and the same was laid upon the table.

On motion of Mr. Crutchfield the report of the committee of roads and internal navigation reporting it inexpedient to incorporate the Princess Anne canal company was taken up and ordered to be recommitted.

On motion of Mr. Crutchfield the rule of the house was suspended, and the vote concurring with the resolution of the committee of roads and internal navigation reporting it inexpedient to incorporate a company to cut a canal from Kempsville in Princess Anne to Thuesden's bridge was reconsidered, and the said resolution was ordered to be recommitted.

On motion of Mr. Allyn *of Norfolk*, *Ordered*, That leave be given to citizens of the borough of Norfolk to

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withdraw their petition for incorporating French's hotel company presented at the last session of the general assembly.

Mr. RAMEY presented a petition of citizens of the county of Loudoun praying the passage of a special road law for said county.

Mr. QUILLEN a petition of citizens of the county of Scott asking for an appropriation to construct a road through said county.

Mr. M'MILLAN a resolution of the Holliday's Cove turnpike company for the passage of an act authorizing the Holliday's Cove turnpike to take tolls at one or more gates at their discretion, and to be allowed full toll instead of half toll as required by an act of the last legislature.

The said petitions and resolution were referred to the committee of roads and internal navigation.

Mr. ETHERIDGE presented a petition of citizens of the county of Norfolk upon the subject of schools, praying a more extensive and liberal system of education, which was referred to the committee of schools and colleges.

Mr. FLOOD presented a memorial of George H. Mathews and others remonstrating against the passage of a law changing the time of holding the circuit superior court of Buckingham county.

Mr. MARSHALL a petition of the president and directors of the Thoroughfare gap turnpike company praying the passage of an act suspending the law prohibiting the drawing of lotteries so far as it affects the said company.

Mr. GREGORY a petition of John Murdaugh asking to be relieved from the penalties of the duelling law.

The said petitions were referred to the committee for courts of justice.

A motion was made by Mr. GREGORY to adopt the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the propriety of modifying the oath required by law to be taken against duelling, and that said committee report by bill or otherwise.

And the question being put thereupon was determined in the negative.

Mr. MARSHALL presented a petition of James B. Beverley praying that the sum of six dollars and fifty cents improperly charged him by the commissioner of the revenue and paid by him may be refunded, which was referred to the committee of finance.

Mr. ALLYN *of Norfolk* presented a petition of citizens of the borough of Norfolk praying the amendment of an act establishing a ferry under the direction of said court.

Mr. HODGES a petition of citizens of the county of Nansemond for a change in the location of the separate election in said county.

Mr. FONTAINE presented a memorial of citizens of the county of King William remonstrating against the removal of their seat of justice.

The said petitions were referred to the committee of propositions and grievances.

On motion of Mr. FONTAINE, *Ordered*, That leave be given to citizens of the county of King William to withdraw their remonstrance presented at the last session of the legislature against the removal of their seat of justice.

Mr. FONTAINE then presented the said remonstrance of citizens of the county of King William, which was referred to the committee of propositions and grievances.

No. 83. A bill providing for the removal of the seat of justice for the county of King William, was taken up on motion of Mr. FONTAINE, read the first and second times and ordered to be committed.

No. 78. An engrossed bill allowing further time to William Crump for the completion of a mill dam was read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

The report of the committee of privileges and elections upon the memorial of Caleb Tanzey complaining of the undue election of James Evans one of the delegates from the county of Monongalia was taken up: [Doc. No. 19.]

A motion was thereupon made by Mr. RATCLIFFE to suspend the rule of the house for the purpose of reconsidering the vote of yesterday, rejecting the amendment proposed by Mr. GREGORY to the amendment proposed by Mr. ALLYN *of Norfolk* as a substitute for the last resolution of the committee, and the question being put thereupon was determined in the negative.

A motion was then made by Mr. SMITH *of Isle of Wight* to amend the amendment proposed by Mr. ALLYN *of Norfolk*, by substituting therefor the following:

Resolved, That so much of the memorial of Caleb Tanzey as claims a seat in this house be rejected; and that James Evans has not been legally returned, having received fewer votes than Caleb Tanzey, and is not therefore entitled to a seat in this house.

Mr. JACKSON *of Wood* demanded the previous question, and the same having been sustained by the house, the question was put upon adopting the said amendment to the amendment and was determined in the negative.

On motion of Mr. BANKS the vote was recorded as follows:

AYES—Messrs. Cabell, Haskins, Butts, Seymour, Armstrong, Smith of Isle of Wight, Worthington, Tayloe of King George, Fontaine, Lipscomb, Banks, Caldwell, Wade of Montgomery and Pulaski, Hodges, Tunstall, Keen, Heath, Robertson, Conn, Ridley, Stephenson, Goodson, and Jackson of Wood—23.

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NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, M'Rae, Hamlett, Gregory, Kennedy, Wright, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Orgain, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Chapman, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, M'Connell, Aleshire, Staples, Hiner, May, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Bare, Griever, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Walker and Stanger—106.

The said amendment proposed by Mr. ALLYN *of Norfolk* being under consideration,

On motion of Mr. WORTHINGTON the house adjourned.

FRIDAY, JANUARY 17, 1840.

A communication from the senate by their clerk:

IN SENATE, JANUARY 16, 1840.

The senate have passed the bill, entitled

"An act changing the time of holding the circuit superior court of Mecklenburg county."

They have also passed the bill, entitled

"An act incorporating the Winterpock rail-road company," with an amendment, in which they request the concurrence of the house of delegates.

The said amendment being read was agreed to.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. CRUTCHFIELD the committee of roads and internal navigation was discharged from the consideration of the memorial of citizens of the corporation of Fredericksburg presented on yesterday, and the same was referred to the committee for courts of justice.

On motion of Mr. HIDEN, *Ordered*, That leave be given to bring in a bill regulating the school fund for the counties of Orange and Greene, and that Messrs. Hiden, Lipscomb, Conn, Smith of Rockingham, and Banks bring in the same.

Mr. MAY from the committee for courts of justice reported with amendment,

No. 22. A bill authorizing James M. Smith to erect a wharf on a part of the public landing on the east side of Coan river in the county of Northumberland.

And presented the following bills:

No. 120. A bill concerning western land titles; and

No. 121. A bill increasing the reward for apprehending runaways in certain cases.

The speaker submitted a communication from the president of the Farmers Bank of Virginia enclosing returns made by the bank and its offices of discount and deposit at Fredericksburg and Petersburg, in obedience to the resolutions of the house of delegates of the sixth instant, which on motion of Mr. SMITH *of Isle of Wight* was laid upon the table and ordered to be printed. [Doc. No. 33.]

Mr. BURWELL *of Bedford* presented a petition of citizens of the county of Bedford praying the passage of an act authorizing the imposition of a county tax on dogs.

Mr. ROBERTSON a petition of Philip Robertson, a free man of colour, praying the passage of a law to permit him to remain in this commonwealth.

Mr. ERSKINE a petition of John L. Trent and William H. M'Farland asking the release of the commonwealth's claim to a tract of land lying the county of Greenbrier.

The said petitions were referred to the committee for courts of justice.

Mr. RAMEY from the committee of propositions and grievances presented a report upon the petition of citizens of the county of Fauquier praying for a new county to be formed out of the western end of said county.

No. 91. A bill authorizing the purchase of certain lands for the use of the poor of the county of Northampton, was taken up on motion of Mr. YERBY, and on motion of Mr. CRUTCHFIELD recommitted.

The report of the committee of privileges and elections upon the memorial of Caleb Tanzey complaining of the undue election of James Evans one of the delegates from the county of Monongalia, was taken up. [Doc. No. 19.]

The substitute offered by Mr. ALLYN *of Norfolk borough* to the last resolution of the committee which was under consideration when the house adjourned on yesterday, was again considered, and having been some time under discussion,

On motion of Mr. BAYLY the house adjourned.

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SATURDAY, JANUARY 18, 1840.

On motion of Mr. FONTAINE, *Resolved*, That the committee of roads and internal navigation enquire into the expediency of amending the 17th and 19th sections of an act prescribing certain general regulations for the incorporation of turnpike companies, passed 17th February 1817.

On motion of Mr. TOLER leave was given to James Pankey to withdraw his petition presented at the present session.

Mr. HIDEN according to order presented the following bill:

No. 126. A bill fixing the school quotas of the counties of Orange and Greene, which on his motion was read the first and second times, and on motion of Mr. VENABLE ordered to be committed to the committee of schools and colleges.

On motion of Mr. MAY, *Resolved*, That the committee on agriculture and manufactures be instructed to enquire into the expediency of amending the charter of the Appomattox coal mining company and have leave to report by bill or otherwise.

Mr. WILSON from the committee on agriculture and manufactures presented the following bill:

No. 122. A bill to incorporate the Hot springs company in the county of Bath.

Mr. WATTS from the committee on the militia laws presented the following bill:

No. 123. A bill to amend an act, entitled "an act for the better organization of the militia."

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented the following bills:

No. 124. A bill directing the treasurer of the commonwealth to give the state's guarantee to a certain loan authorized to be negotiated by the Richmond, Fredericksburg and Potomac rail-road company; and

No. 125. A bill to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company for the purpose of laying down iron rails or a more permanent plate rail superstructure on said road.

Mr. MAY from the committee for courts of justice reported with amendment,

No. 91. A bill authorizing the purchase of certain lands for the use of the poor of the county of Northampton.

And presented reports upon the petitions of John S. Gatewood and of John Biggs; and the following bills:

No. 127. A bill concerning Squire Sayre; and

No. 128. A bill concerning the collection of rents.

Mr. VENABLE presented several petitions of citizens of the counties of Prince Edward, Charlotte, Campbell and Buckingham praying the formation of a new county out of parts of said counties.

Also a memorial of Robert Kelso and others of the county of Prince Edward praying that a portion of said county lying between Vaughan's creek and Sawney's creek may not be cut off from the said county in the formation of the new county proposed to be created.

Mr. FONTAINE a petition of citizens of the county of King William praying for the establishment of a separate election in said county.

The said petitions were referred to the committee of propositions and grievances.

Mr. MAY presented a petition of Guy D. French and William Chapman for the remission of taxes on certain lands in the counties of Kanawha, Logan and Fayette.

Also a petition of the same parties praying to be allowed further time for payment of taxes on certain lands.

The said petitions were referred to the committee of finance.

The report of the committee of privileges and elections upon the petition of Caleb Tanzey, complaining of the undue election of James Evans one of the delegates from the county of Monongalia was taken up. [Doc. No. 19.]

The substitute offered by Mr. ALLYN *of Norfolk* for the third resolution of the committee which was under consideration when the house adjourned on yesterday, is the following:

Resolved, That the evidence set forth in the case establishes illegality in conducting the said election and the making the return thereof, which are sufficient to vitiate the said election so far as relates to the sitting and the contesting members, and that the same be set aside, and that a new writ of election be issued to fill the seat now occupied by James Evans of the county of Monongalia.

The same having been under discussion for some time, Mr. POWELL demanded the previous question, and the same having been sustained by the house, the question was put upon adopting the substitute and was determined in the negative.

On motion of Mr. CHAPMAN the vote was recorded as follows:

AYES—Messrs. Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Crafford, Powell, Howell, Baker, Byrd, King, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton,

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Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Hudnall, Fitzgerald, Hiden, Aleshire, Michaux, Carroll of Preston, Venable, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—60.

Noes—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Hodges, Massie, Watts, Etheridge, Yerby, M'Connell, Staples, Hiner, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

The question then recurred upon adopting the third resolution of the committee which is the following:

Resolved, That the memorial of Caleb Tanzey be rejected.

Thereupon Mr. Crutchfield demanded the previous question, and the same having been sustained by the house, the question was put upon concurring with the committee in their resolution, and was determined in the affirmative.

On motion of Mr. Byrd the vote was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Hodges, Massie, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson, Walker, and Jackson of Wood—67.

Noes—Messrs. Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Crafford, Powell, Howell, Baker, Byrd, King, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

No. 52. An engrossed bill to amend an act, entitled "an act concerning general elections in this commonwealth," was read a third time and passed.

No. 55. An engrossed bill concerning the destruction of wild fowl in the counties of Accomack and Fairfax, was read a third time and passed, and on motion of Mr. Powell the title was amended so as to cause it to be "concerning the destruction of wild fowl in the counties of *Accomack*, *Fairfax* and *Prince William*."

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

Mr. Alderson presented a petition of George Hughart asking to be allowed compensation for military services rendered by him in 1793, which was referred to the committee of claims.

No. 45. A bill concerning witnesses in civil cases, with the amendments thereto proposed by the committee for courts of justice was taken up, and the first amendment being agreed to, and the second disagreed to, a further amendment was submitted by Mr. Lee, which being under consideration,

On motion of Mr. Goodson the house adjourned until Monday 12 o'clock.

MONDAY, January 20, 1840.

A communication from the senate by their clerk:

IN SENATE, January 18, 1840.

The senate have passed the bill, entitled

"An act concerning attorneys' fees," with amendments, in which they request the concurrence of the house of delegates.

The said amendments were severally agreed to.

Ordered, That the clerk inform the senate thereof.

The speaker laid before the house a communication from the governor transmitting a quarterly statement to the 31st December last of the Exchange Bank of Virginia, which on motion of Mr. Ratcliffe was laid upon the table and ordered to be printed. [Doc. No. 34.]

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On motion of Mr. RATCLIFFE, *Resolved*, That the committee of claims be instructed to enquire into the expediency of allowing to the heirs of the late col. Thomas Bullett a compensation for his services as an officer during the revolutionary war, and that said committee have power to require of any department of this commonwealth such information as may be necessary touching said services and compensation.

On motion of Mr. RIDLEY, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of authorizing the judges of the circuit superior courts of law and chancery to appoint guardians *ad litem* in vacation.

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of providing by law a limitation to the liability of assignors of bonds, bills and obligations.

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the act, entitled "an act to reduce into one act the several acts concerning executions, and for the relief of insolvent debtors," passed February 25, 1819, as to allow all persons in custody in any civil action, or any original or mesne process, to confess a judgment in the clerk's office in vacation, although such debtor may not desire to take the insolvent oath.

On motion of Mr. GIBSON, *Resolved*, That the committee of finance be instructed to enquire into the expediency of requiring the board of principal assessors now in session in this city to state in the margin of their tables of assessment the sum added to each tract on account of minerals, and of providing that the commissioners of the revenue when these minerals become valueless should deduct from the tract the sum so added.

Mr. RATCLIFFE according to order presented the following bill:

No. 129. A bill exempting the counties of Prince William and Campbell from the operation of an act concerning apprentices, passed April 6th, 1839.

On motion of Mr. VENABLE, *Resolved*, That the committee of schools and colleges be instructed to enquire into the propriety of allowing the school commissioners of the commonwealth to pay more for teaching the children of indigent parents than they are now authorized by law to pay, and said committee have leave to report by bill or otherwise.

On motion of Mr. COLEMAN, *Resolved*, That the committee of schools and colleges be instructed to enquire into the expediency of establishing the district free school system in Virginia, and that they have leave to report by bill or otherwise.

On motion of Mr. WATTS the committee on the militia laws was discharged from the consideration of the petition of Thomas Beasly, and the same was referred to the committee for courts of justice.

Mr. BEARD from the committee of roads and internal navigation presented the following bills:

No. 130. A bill incorporating the Princess Anne and Kempsville canal company.

No. 131. A bill to increase and regulate the tolls on the Powhatan rail-road and the Tuckahoe and James river rail-road.

No. 132. A bill to authorize the county court of Augusta to subscribe for stock in the Valley turnpike company.

No. 133. A bill to amend the act, entitled "an act prescribing certain general regulations for the incorporation of turnpike companies."

Also reports upon the resolution for appropriating money to open a road in the counties of Bath and Alleghany; upon the resolution relative to the extension of the Northwestern road to Berry's ferry and Berryville; and upon the petition of John H. Reily.

Mr. RAMEY from the committee of propositions and grievances presented a report upon the petition of citizens of the county of Augusta for a change in the place of holding a separate election in said county; and the following bill:

No. 134. A bill establishing the county of of part of the counties of Harrison, Lewis and Wood.

Mr. LOCKRIDGE presented a petition of Anderson Taylor for permission to remain as a free man of colour in the commonwealth, which was referred to the committee for courts of justice.

Mr. ALDERSON presented a petition of citizens of the county of Nicholas for a separate election in said county.

Mr. ALLYN *of Norfolk* a petition of William French and others praying the passage of an act to incorporate French's hotel company in the borough of Norfolk.

The said petitions were referred to the committee of propositions and grievances.

No. 39. A bill concerning the county and corporation courts was taken up on motion of Mr. SOUTHALL and read a second time. A motion was made by Mr. SMITH *of Isle of Wight* to amend the same; thereupon a motion was made by Mr. CRUTCHFIELD that the farther consideration of the said bill and amendment be indefinitely postponed, and the question being put thereupon was determined in the affirmative.

On motion of Mr. TAYLOE *of Lancaster and Richmond* the vote was recorded as follows:

AYES—Messrs. Bayly, Carpenter, Cabell, M'Cue, Lockridge, Burwell of Bedford, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Toler, Fox, Corbin, Cole-

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man, Cardwell, Burwell of Clarke and Warren, Broadus, Crafford, Marshall, Alderson, Payne, Howell, Hale, Wade of Franklin, King, Smith of Gloucester, Guerrant, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Armstrong, Hamlett, Gregory, Worthington, Kennedy, Tayloe of Lancaster and Richmond, Ewing, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Watts, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Tunstall, Tallman, Venable, Sturm, Walden, Snyder, Leyburn, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson, Walker and Stanger—86.

Noes—Messrs. Gilmer, (speaker,) Southall, Wood, Stuart, Thornburg, Wilson, Roane, Powell, Baker, Byrd, Erskine, Butts, Lee, M'Rae, Smith of Isle of Wight, Reynolds, Wright, Lawson, Caldwell, Clayton, Evans, Chapman, Hodges, Massie, Staples, May, Michaux, Roberts, Ratcliffe, Robertson, Smith of Russell, Stephenson, and Jackson of Wood—33.

Resolved, That the bill be rejected.

No. 61. A bill to change the time of holding the general elections in this commonwealth was taken up on motion of Mr. Gregory and read a second time, and an amendment was offered thereto by Mr. Byrd. A motion was made by Mr. Powell that the farther consideration of the said bill and proposed amendment be indefinitely postponed.

A motion was then made by Mr. Venable that the bell be rung for the purpose of convening the absent members, and the vote thereupon was ordered to be recorded on motion of Mr. Jackson *of Wood*.

The clerk proceeded to call the members, and having finished the call Mr. Wilson moved that the rule of the house be suspended for the purpose of permitting absentees to vote upon the question the vote upon which was not yet announced, and the question being put upon so suspending the rule was determined in the negative.

On motion of Mr. Jackson *of Wood* the vote upon suspending the rule was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Hunter, Kyle, Flood, Toler, Cardwell, Roane, Wade of Franklin, Smith of Gloucester, Erskine, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, Lee, M'Rae, Hamlett, Gregory, Worthington, Ramey, Lipscomb, Caldwell, Goode, Myers of Morgan, Hodges, Watts, Etheridge, Yerby, Fitzgerald, Tunstall, Venable, Roberts, Ratcliffe, Robertson, Leyburn, Crutchfield, Fitzhugh, Stephenson and Stanger—38.

Noes—Messrs. Bayly, Southall, Carpenter, Wood, Cabell, M'Cue, Lockridge, Burwell of Bedford, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Fox, Corbin, Coleman, Burwell of Clarke and Warren, Broadus, Crafford, Powell, Marshall, Alderson, Payne, Howell, Hale, Baker, Byrd, King, Guerrant, Butts, Gibson, White, Seymour, Armstrong, Smith of Isle of Wight, Kennedy, Wright, Tayloe of Lancaster and Richmond, Lawson, Beard, Harrison, Orgain, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Clayton, Chapman, Wade of Montgomery and Pulaski, Massie, Allyn of Norfolk borough, Hudnall, Hiden, Aleshire, Staples, Hiner, May, Tallman, Michaux, Carroll of Preston, Sturm, Walden, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Conn, Bare, Griever, Ridley, Clarke of Surry, Prince, Spotts, Goodson, Walker, and Jackson of Wood—76.

The vote upon ordering the bell to be rung was then announced as follows:

Ayes—Messrs. Gilmer, (speaker,) Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Hunter, Haskins, Kyle, Flood, Toler, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Roane, Powell, Alderson, Wade of Franklin, Byrd, King, Smith of Gloucester, Guerrant, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Caldwell, Goode, Myers of Morgan, Hodges, Watts, Etheridge, Yerby, Fitzgerald, Hiner, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Ratcliffe, Robertson, Leyburn, Crutchfield, Fitzhugh and Walker—59.

Noes—Messrs. Bayly, Southall, Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Thornburg, Fox, Corbin, Marshall, Payne, Howell, Hale, Baker, Erskine, Butts, Armstrong, Smith of Isle of Wight, Wright, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Clayton, Chapman, Wade of Montgomery and Pulaski, Massie, Allyn of Norfolk borough, Hudnall, Hiden, Aleshire, Staples, May, Tunstall, Sturm, Walden, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Conn, Bare, Griever, Ridley, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—52.

The sergeant was directed to cause the bell to be rung, and it was rung accordingly.

A motion was then made by Mr. Ratcliffe that the house do now adjourn, and the question being put thereupon was determined in the negative.

On motion of Mr. Shipman the vote was recorded as follows:

Ayes—Messrs. Burwell of Bedford, Hunter, Meredith, Wilson, Roane, Seymour, M'Rae, Hamlett, Reynolds, Ramey, Lipscomb, Smith of Mason and Jackson, Chapman, Tunstall, Ratcliffe, Snyder and Walker—17.

Noes—Messrs. Gilmer, (speaker,) Bayly, Southall, Carpenter, Wood, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Crafford, Powell, Marshall, Alderson, Payne, Howell,

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Hale, Wade of Franklin, Baker, Byrd, King, Smith of Gloucester, Guerrant, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Wright, Tayloe of Lancaster and Richmond, Lawson, Beard, Harrison, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Goode, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Staples, Hiner, May, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Sturm, Walden, Robertson, Leyburn, Smith of Rockingham, Shipman, Smith of Russell, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—99.

The question recurred upon the motion to postpone the bill and amendment indefinitely; thereupon Mr. Powell demanded the previous question, and the same having been sustained by the house, the question was put upon the indefinite postponement and was determined in the negative.

On motion of Mr. Clarke *of Surry* the vote was recorded as follows:

Ayes—Messrs. Carpenter, Wood, Hannah, Jackson of Braxton and Lewis, Thornburg, Burwell of Clarke and Warren, Powell, Alderson, Howell, Baker, Byrd, King, Guerrant, Taylor of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, Wright, Harrison, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Etheridge, Hudnall, Aleshire, Hiner, May, Carroll of Preston, Sturm, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Spotts, Goodson and Stanger—44.

Noes—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Meredith, Haskins, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Crafford, Roane, Marshall, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Butts, Clark of Halifax, Seymour, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Lipscomb, Orgain, Caldwell, Smith of Mason and Jackson, Baskerville, Goode, Evans, Massie, Allyn of Norfolk borough, Yerby, Fitzgerald, Hiden, Staples, Tunstall, Tallman, Michaux, Venable, Roberts, Ratcliffe, Walden, Snyder, Leyburn, Smith of Russell, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Stephenson, Walker, and Jackson of Wood—76.

On motion of Mr. Jackson *of Wood* the house adjourned.

TUESDAY, January 21, 1840.

A communication from the senate by their clerk:

IN SENATE, January 20, 1840.

The senate have agreed to the resolution for the election of a senator to the congress of the United States.

The speaker submitted a communication from the cashier of the Northwestern Bank of Virginia, transmitting the information called for by the resolution of the house adopted on the sixth instant, exhibiting a list of the members of the legislature who are stockholders of the bank and their indebtedness as individuals or as members of firms, which on motion of Mr. Smith *of Isle of Wight* was laid upon the table and ordered to be printed. [Doc. No. 36.]

The speaker also submitted a communication from the cashier of the Farmers Bank of Virginia, transmitting the information called for by the same resolution of the sixth instant, exhibiting the returns from the branches at Norfolk, Lynchburg, Winchester and Danville, which on motion of Mr. Smith *of Isle of Wight* was laid upon the table and ordered to be printed. [Doc. No. 37.]

Mr. Baker submitted the following resolution, which on motion of Mr. May was laid upon the table:

Resolved, That this house will with the joint vote of the senate proceed on the 12th day of February next to the election of a member of the executive council to fill the vacancy occasioned by the expiration of the term of service of Henry L. Hopkins, esq.

On motion of Mr. Walden, *Resolved*, That the committee for courts of justice be required to enquire into the necessity of providing by law for the more effectual security to jailors of this commonwealth for their fees arising from persons confined upon civil process, and that they have leave to report by bill or otherwise.

Mr. Wilson from the committee on agriculture and manufactures presented a report upon the petition of citizens of the counties of Madison and Orange that a portion of the Rapid Anne river may be declared a lawful fence; and the following bills:

No. 135. A bill changing the manner of appointing an inspector of flour and indian meal in the town of Winchester; and

No. 136. A bill to incorporate the Western Virginia silk and agricultural company.

Mr. Southall from the committee of privileges and elections presented the following bill:

No. 137. A bill to amend the act, entitled "an act concerning general elections in this commonwealth."

Mr. May from the committee for courts of justice presented the following bills:

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No. 138. A bill giving jurisdiction to justices of the peace in actions of trespass upon real and personal property.

No. 139. A bill amending the act authorizing the county court of Monongalia county to raise money for certain purposes.

No. 140. A bill divorcing Benjamin Wright from his wife Mariann; and

No. 141. A bill extending the act authorizing the drawing of a lottery in the town of Fredericksburg.

Mr. Goode from the committee of schools and colleges presented the following bills:

No. 142. A bill incorporating the trustees of Richmond college; and

No. 143. A bill to repeal the act entitled "an act concerning the Hampton academy."

Also reported with amendments,

No. 126. A bill fixing the school quotas of the counties of Orange and Greene, which on his motion was taken up, and the said amendments being agreed to, the same as amended was ordered to be engrossed.

On motion of Mr. Erskine, *Resolved*, That the committee of claims be instructed to enquire into the expediency and justice of allowing the claims of Thomas C. Burwell of Greenbrier and Octavius A. Harvey of Westmoreland, for transporting lunatics to the hospitals at Staunton and Williamsburg, and which said lunatics were refused admission in consequence of misapprehension of the requirements of the law.

On motion of Mr. Venable leave was granted to the committee on banks to sit during the session of the house during this day.

On motion of Mr. Robertson, *Resolved*, That the executive council be respectfully requested to lay before this house the journal of their proceedings for the past year.

On motion of Mr. Hiden, *Resolved*, That the committee for courts of justice enquire into the expediency of providing by law that when a feme covert is deserted by her husband she be authorized to institute and maintain actions at law or in chancery in her own name to recover for services rendered or for legacies and bequests accruing to her after she has been so deserted as she could do if she were sole.

On motion of Mr. Armstrong, *Ordered*, That leave be given to bring in a bill to incorporate the town of Williamsport in the county of Harrison, and to provide for the appointment of trustees in said town, and that Messrs. Armstrong, Lee, Jackson of Braxton and Lewis, Carroll of Preston and Sturm bring in the same.

The speaker laid before the house a communication from the governor transmitting a statement of the condition of the Northwestern Bank of Virginia and its branches at Wellsburg and Parkersburg on the 1st instant, which on motion of Mr. Ratcliffe was laid upon the table and ordered to be printed. [Doc. No. 38.]

Mr. Spotts presented a memorial adopted by a convention held at Giles courthouse in October last, praying an appropriation for the construction of a road on state account from the Kentucky line up the Louisa fork of Sandy river to intersect the Price's turnpike and Cumberland gap road near Tazewell courthouse, which was referred to the committee of roads and internal navigation.

Mr. Reynolds presented a memorial of citizens of the county of Kanawha, asking for an amendment to the law incorporating the Bank of Kanawha, so as to authorize a majority of the stockholders to fix the location of said bank, which was referred to the committee on banks.

No. 14. A bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within this commonwealth and for collecting the public revenue was taken up on motion of Mr. May; thereupon he offered sundry amendments thereto, which together with said bill was committed to the committee of finance.

On motion of Mr. Venable the said amendments were ordered to be printed.

On motion of Mr. Toler the resolution for electing a judge of the general court in the eighth judicial circuit with the amendment thereto proposed by the senate was taken up.

The resolution proposed to fix the *seventeenth* of the present month for proceeding to said election; the senate proposed to amend the said resolution by striking out the word *seventeenth* and inserting in lieu thereof the word *twenty-seventh*; and the question being put thereupon was determined in the affirmative.

Ordered, That the clerk inform the senate thereof.

No. 113. A bill concerning the preservation of records, was taken up on motion of Mr. Clarke *of Surry*, read the first and second times and committed to the committee which brought it in.

No. 51. A bill to change the time of holding the general elections in this commonwealth, with the amendment proposed by Mr. Byrd, which was under consideration when the house adjourned on yesterday, was taken up, and the said amendment was disagreed to; several other amendments having been offered and rejected, the question recurred upon ordering the bill to be engrossed and was determined in the affirmative.

On motion of Mr. Conn the vote was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Mitchell, Myers of Berkeley, M'Millan, Meredith, Haskins, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Butts, Clark of Halifax, Seymour, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Reynolds, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Caldwell, Smith of Mason and

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Jackson, Baskerville, Goode, Massie, Watts, Yerby, Fitzgerald, Hiden, Staples, Tunstall, Keen, Tallman, Michaux, Venable, Roberts, Heath, Walden, Leyburn, Smith of Russell, Ridley, Crutchfield, Clarke of Surry, Prince, Stephenson and Walker—72.

Noes—Messrs. Carpenter, Hunter, Hannah, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Alderson, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Taylor of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, Worthington, Kennedy, Wright, Fontaine, Ewing, Banks, Taylor of Mathews and Middlesex, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Allyn of Norfolk borough, Etheridge, Hudnall, M'Connell, Aleshire, Hiner, May, Carroll of Preston, Ratcliffe, Sturm, Robertson, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Fitzhugh, Spotts, Goodson, Jackson of Wood, and Stanger—56.

Mr. M'Connell presented a petition of the directors of the fire and marine insurance company of Wheeling asking for certain amendments to their charter, which was referred to the committee for courts of justice.

The speaker submitted a communication from the governor, as president of the literary fund, enclosing a petition of the president and directors of the literary fund, praying the passage of an act authorizing them to receive and hold the estate of Martin Dawson for the objects specified in his will, and out of the same to defray such expenses as have already been and may be hereafter incurred by them in sustaining this devise, including special compensation to the attorney general for his services, and so enlarging their powers that they may in future take devises made to them for the use of the school commissioners of any county of the state or for the purposes of education, and to hold and apply such devises on the terms and in the manner directed in the respective wills making such devises; which was referred to the committee of schools and colleges, and on motion of Mr. Hunter ordered to be printed. [Doc. No. 39.]

No. 45. A bill concerning witnesses in civil cases, with the amendment which was under consideration when the house adjourned on Saturday, was taken up, and the said amendment being agreed to, the said bill as amended was ordered to be engrossed.

On motion of Mr. Fox the house adjourned.

WEDNESDAY, January 22, 1840.

A communication from the senate by their clerk:

IN SENATE, January 21, 1840.

The senate have passed the bill, entitled

"An act allowing further time to William Crump for the completion of a mill-dam."

Mr. Crutchfield from the committee of roads and internal navigation presented a report upon the petition of citizens of the county of Loudoun for a revisal of the road laws; and the following bill:

No. 144. A bill increasing the tolls of the Petersburg rail-road company.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented the following bill:

No. 145. A bill to incorporate the society for the relief of the widows and orphans of clergymen in the diocese of Virginia.

Mr. Venable from the committee on banks presented a report upon the condition of the banks of the state and the causes of the late suspension of specie payments, which on motion of Mr. M'Connell was ordered to be printed. [Doc. No. 40.]

Also the following bill:

No. 146. A bill to amend the several acts concerning the banks, which on his motion was read the first and second times, and on motion of Mr. May ordered to be laid upon the table.

No. 91. A bill authorizing the purchase of certain lands for the use of the poor of the county of Northampton, with the amendment thereto proposed by the committee for courts of justice was taken up, and the said amendment being amended on motion of Mr. Southall, and as amended agreed to, the said bill as amended was ordered to be engrossed.

Mr. Southall presented a petition of Alexander Rives and William W. Dawson, trustees under the will of Martin Dawson deceased late of Albemarle, praying legislative aid in effectuating the object of the testator touching a school fund created by his will for the benefit of the counties of Nelson and Albemarle, which was referred to the committee of schools and colleges.

Mr. Wood presented a petition of Fabius Lawson praying to be divorced from his wife.

Mr. Lawson a petition of Reese Browning asking for the remission of a fine.

Mr. Ewing a petition of Daniel Jones asking that the commonwealth's right to certain lots in the town of Jonesville may be released to him.

The said petitions were referred to the committee for courts of justice.

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A motion was made by Mr. STEPHENSON to take up the resolution submitted by him on the sixth instant, relative to certain declarations imputed to the president of the Bank of Virginia concerning the value of the stock in said bank; and the vote was ordered to be recorded on motion of Mr. STEPHENSON.

The clerk called the names of the members and had finished the same, but before the result was announced, a motion was made by Mr. CROPPER that the rule of the house be suspended for the purpose of permitting absentees to vote upon the proposition to take up the said resolution, and the question being put thereupon was determined in the affirmative.

On motion of Mr. JACKSON *of Wood* the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Alderson, Payne, Wade of Franklin, Byrd, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Seymour, Armstrong, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Wright, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Orgain, Banks, Caldwell, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Wade of Montgomery and Pulaski, Hodges, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, M'Connell, Aleshire, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Ratcliffe, Sturm, Walden, Robertson, Snyder, Shipman, Smith of Russell, Griever, Ridley, Crutchfield, Fitzhugh, Stephenson, Goodson and Walker—89.

NOES—Messrs. Hannah, Haskins, Powell, Howell, Hale, King, Carroll of Grayson, Allen of Hampshire, Smith of Isle of Wight, Fontaine, Ewing, Lipscomb, Taylor of Mathews and Middlesex, Myers of Morgan, Hiden, Hiner, May, Heath, Smith of Rockingham, Quillen, Conn, Bare, Prince, and Jackson of Wood—24.

The absentees were then called, and the vote upon taking up the said resolution was announced as follows:

AYES—Messrs. Carpenter, Wood, Cabell, M'Cue, Stuart, Meredith, Haskins, Kyle, Flood, Toler, Fox, Wilson, Crafford, Roane, Powell, Alderson, Payne, Howell, Hale, Wade of Franklin, King, Butts, Taylor of Halifax, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Reynolds, Wright, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Lipscomb, Banks, Caldwell, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Clayton, Wade of Montgomery and Pulaski, Etheridge, Yerby, M'Connell, Staples, Hiner, Heath, Ratcliffe, Walden, Snyder, Smith of Rockingham, Smith of Russell, Quillen, Bare, Griever, Ridley, Prince, Stephenson, Walker, and Jackson of Wood—62.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, M'Millan, Thornburg, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Whitworth, Marshall, Baker, Byrd, Smith of Gloucester, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Armstrong, Kennedy, Ewing, Orgain, Baskerville, Goode, Chapman, Myers of Morgan, Hodges, Allyn of Norfolk borough, Watts, Hudnall, Fitzgerald, Hiden, Aleshire, May, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Sturm, Robertson, Leyburn, Shipman, Conn, Crutchfield, Fitzhugh and Goodson—58.

The said resolution was then read as follows:

Resolved, That the committee on banks be instructed to enquire whether the president of the Bank of Virginia during the last year made the declaration that has been imputed to him by the Richmond Whig a newspaper published in the city of Richmond, to wit: that the stock of the Bank of Virginia was not worth fifty cents in the dollar. And should the committee ascertain that the said president made such declaration, that then they enquire into the grounds or reasons that induced the said officer to come to the conclusion that the stock of said bank was worth less than its par value. And that the said committee also enquire whether the interest of the commonwealth in the Bank of Virginia does not require that the treasurer of the commonwealth shall be instructed to vote against the said president as a director of said bank at the next meeting of the stockholders thereof.

A motion was made by Mr. M'CONNELL that the farther consideration of the said resolution be indefinitely postponed; and the question being put thereupon was determined in the affirmative.

No. 126. An engrossed bill fixing the school quotas of the counties of Orange and Greene was read a third time and passed.

Ordered, That Mr. GOODE carry the same to the senate and request their concurrence.

No. 51. An engrossed bill to change the time of holding the general elections in this commonwealth was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 49. A bill concerning executions and new trials in cases upon warrants with the amendments thereto proposed by the committee for courts of justice was taken up. The first amendment was disagreed to, and the remaining amendments were severally agreed to; thereupon Mr. WORTHINGTON moved to amend the same by substituting a new bill therefor, which proposed substitute and bill were on his motion laid upon the table and ordered to be printed.

No. 22. A bill authorizing James M. Smith to erect a wharf on a part of the public landing on the east

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side of Coan river in the county of Northumberland with the amendments thereto proposed by the committee for courts of justice was taken up, and the said amendments being agreed to the said bill as amended was ordered to be engrossed.

No. 45. An engrossed bill concerning witnesses in civil cases was read a third time; thereupon a clause by way of ryder thereto was offered by Mr. RATCLIFFE, which was read the first time, and the question being put upon reading it the second time was determined in the negative.

A motion was then made by Mr. GREGORY that the farther consideration of the said bill be indefinitely postponed, and the question being put thereupon was determined in the affirmative.

On motion of Mr. WOOD the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Wood, Cabell, Burwell of Bedford, Mitchell, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Broadus, Wilson, Crafford, Powell, Payne, Hale, Wade of Franklin, Baker, Smith of Gloucester, Clark of Halifax, Allen of Hampshire, White, Armstrong, M'Rae, Gregory, Worthington, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Watts, Etheridge, Hiden, Aleshire, Staples, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Walden, Smith of Rockingham, Smith of Russell, Quillen, Conn, Griever, Crutchfield, Fitzhugh, Prince, Spotts and Goodson—62.

NOES—Messrs. Southall, Carpenter, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, Meredith, Cardwell, Burwell of Clarke and Warren, Whitworth, Roane, Marshall, Alderson, Howell, Byrd, King, Carroll of Grayson, Erskine, Butts, Gibson, Seymour, Lee, Hamlett, Smith of Isle of Wight, Reynolds, Wright, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Hodges, Allyn of Norfolk borough, Yerby, Hudnall, Hiner, May, Roberts, Robertson, Snyder, Leyburn, Shipman, Ridley, Stephenson, Walker, Jackson of Wood, and Stanger—50.

Resolved, That the bill be rejected.

The speaker submitted a communication from the governor transmitting a copy of the report of the principal professor of the Military institute at Lexington, which on motion of Mr. LAWSON was laid upon the table and ordered to be printed. [Doc. No. 41.]

On motion of Mr. STURM the house adjourned.

THURSDAY, JANUARY 23, 1840.

A communication from the senate by their clerk:

IN SENATE, JANUARY 22, 1840.

The senate have passed the bill, entitled

"An act fixing the school quotas of the counties of Orange and Greene."

The speaker laid before the house a communication from the cashier of the Bank of the Valley transmitting a statement shewing the condition of the bank and its branches on the first instant, and answers to the resolution of the house of delegates of the sixth instant, which on motion of Mr. VENABLE was laid upon the table and ordered to be printed. [Doc. No. 43.]

The speaker also submitted a communication from the governor enclosing a statement of the condition of the Merchants and Mechanics Bank of Wheeling and its office of discount and deposit at Morgantown on the 13th instant, which on motion of Mr. M'CONNELL was laid upon the table and ordered to be printed. [Doc. No. 44.]

The joint order of the day for proceeding by joint vote with the senate to the election of a senator to represent this state in the senate of the United States being read, a motion was made by Mr. CRUTCHFIELD to postpone the execution of the said order until Wednesday the twenty-ninth instant; and the question being put thereupon was determined in the affirmative.

On motion of Mr. CHAPMAN the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Smith of Russell, Crutchfield, Stephenson, Walker, and Jackson of Wood—70.

NOES—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of

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Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

Ordered, That Mr. Crutchfield carry the said resolution to the senate and request their concurrence.

On motion of Mr. SMITH *of Rockingham*, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of collecting and embodying into one act all acts and parts of acts of a general character now in force in relation to the public roads of this commonwealth, together with such amendments or modifications as said committee may deem expedient, and have leave to report by bill or otherwise.

On motion of Mr. KENNEDY, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of amending the act, entitled "an act to provide for the opening and repair of the public roads of this commonwealth," passed March 3d, 1835, requiring the appointment of road commissioners at any subsequent term.

Mr. VENABLE presented the following bill:

No. 146. A bill providing for certain alterations to the hall of the house of delegates and to the interior of the capitol.

Mr. MAY from the committee for courts of justice presented reports upon the petitions of Martha A. Elliott, &c.; of John H. Markle; of Mary Pruden and others; of citizens of the county of Bedford for a county tax on dogs; and of Levi A. Blankenship; and upon the resolutions for furnishing the county court clerks with the journals of the house; concerning notices in cases of indeterminate leases, and concerning processioning of lands.

Also the following bills:

No. 147. A bill concerning Verlinda Perry; and

No. 148. A bill amending the charter of the fire and marine insurance company of Wheeling.

The said last bill was on motion of Mr. M'CONNELL taken up, read the first and second times, and (by general consent) ordered to be engrossed and read a third time.

On motion of Mr. MAY the committee for courts of justice was discharged from the consideration of the petition of George H. Mathews, and the same was laid upon the table.

Mr. WHITE presented a petition of citizens of the county of Hanover for the incorporation of a company to construct a turnpike road in said county.

Mr. WORTHINGTON a petition of citizens of the county of Jefferson for the passage of an act authorizing the Baltimore and Ohio rail-road company to establish a public depot at the Old Furnace in said county.

The said petitions were referred to the committee of roads and internal navigation.

Mr. WORTHINGTON also presented a petition of members of the bar of the county of Jefferson for a change in the time of holding the circuit superior court of said county, which on his motion was laid upon the table.

Mr. CARDWELL presented a petition of citizens of the county of Charlotte for the removal of the separate election now held at Fuqua's store in said county to James Lawson's tavern, which was referred to the committee of propositions and grievances.

Mr. TUNSTALL presented a petition of George W. Johnson and others for the incorporation of the Danville savings institution, which was referred to the committee on banks.

No. 22. An engrossed bill authorizing James M. Smith to erect a wharf on a part of the public landing on the east side of Coan river in the county of Northumberland was read a third time and passed, and the title was amended on motion of Mr. MAY so as to cause it to be "an act *concerning the erection of wharves*."

No. 91. An engrossed bill authorizing the purchase of certain lands for the use of the poor of the county of Northampton was read a third time and passed, and the title was amended on motion of Mr. MAY so as to cause it to be "an act *concerning the purchase of lands by the overseers of the poor*."

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time, and on motions severally made ordered to be laid upon the table:

No. 74. A bill incorporating the Patterson's creek turnpike company.

No. 75. A bill to amend the 52d section of the act, entitled "an act reducing into one the several acts concerning wills, the distribution of intestates' estates and the duty of executors and administrators;" and

No. 78. A bill to establish a board of agriculture.

The following report was read and laid upon the table:

The committee to examine the second auditor's office having performed that duty make the following report:

That they have made a thorough examination of the books, vouchers and papers connected with the receipts and disbursements over which the office exercises a control, and that they have found them entirely accurate and correct.

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The committee deem it a duty to state that the books and papers relating to the various funds—the Literary fund, the Board of public works, the Northwestern turnpike road, &c. are not only kept with a neatness and accuracy which afforded great facility in the examination, but give the most satisfactory evidence of the ability and fidelity with which the duties of the office have been discharged.

The report of the committee appointed to examine the register's office was on motion of Mr. JACKSON *of Wood* laid upon the table.

A message from the senate by Mr. BAPTIST:

MR. SPEAKER—The senate agree to the resolution for postponing the execution of the joint order of the day for the election of a senator to represent this state in the senate of the United States until Wednesday the twenty-ninth instant.

No. 90. A bill to amend the charter of the James river and Kanawha company was read the first and second times on motion of Mr. ROBERTSON, and ordered to be committed to the committee which brought it in.

No. 76. A bill concerning the reward for killing wolves in the county of Loudoun was read a second time, amended on motion of Mr. MARSHALL, and as amended ordered to be engrossed.

The following bills were read the first and ordered to be read a second time:

No. 77. A bill to establish a company of cavalry in the county of Halifax.

No. 80. A bill concerning flour barrels.

No. 81. A bill to incorporate the Bradford coal mining company in the county of Goochland.

No. 82. A bill charging real assets with the payment of simple contract debts and declaring the mode of administering the same.

No. 84. A bill to discontinue Hooe's ferry across the Potomac from his land to Cedar Point in Maryland.

No. 85. A bill to change the place of holding a separate election in the county of Franklin.

No. 86. A bill concerning the arrest of poor debtors.

No. 87. A bill changing the time of holding the second quarterly term of the county court of Warren.

No. 88. A bill releasing to Susan C. Bott and Eliza Niblo the commonwealth's right to a lot in the town of Petersburg.

No. 89. A bill changing the time of holding the circuit superior courts of Jefferson county.

No. 92. A bill to change the time of the meeting of the next general assembly.

No. 94. A bill concerning the West Liberty academy in the county of Ohio.

No. 95. A bill to prevent betting upon elections.

No. 96. A bill to amend the several acts concerning ferries.

No. 97. A bill concerning lotteries; and

No. 98. A bill incorporating the town of Triadelphia in the county of Ohio.

On motion of Mr. GREGORY the house adjourned.

FRIDAY, JANUARY 24, 1840.

On motion of Mr. BEARD, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of so amending the act incorporating the president, directors and company of the Leesburg turnpike company as to authorize the directors to fill vacancies in their body and to make one of their body president.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented the following bills:

No. 148. A bill to authorize a separate election at Mangohick in the county of King William.

No. 149. A bill concerning John Seabrook; and

No. 150. A bill establishing the county of ——— of parts of the counties of Monongalia and Harrison.

Mr. CLARKE *of Surry* reported without amendment

No. 113. A bill concerning the preservation of records.

Mr. STEPHENSON from the committee of claims presented a resolution concerning Thomas C. Burwell of Greenbrier and Octavius A. Harvey of Westmoreland.

Mr. WATTS from the committee on the militia laws presented a report upon the resolution for forming a regiment in the county of Pulaski; and the following bill:

No. 151. A bill providing for the erection of a steward's house and for furnishing a supply of water for the Virginia military institute.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented a report upon the memorial of the convention held at Giles courthouse; and the following bills:

No. 152. A bill incorporating the Preston rail-road, lumber and mining company; and

No. 153. A bill authorizing the board of public works to appoint agents in certain cases.

Mr. MAY from the committee for courts of justice presented reports upon resolutions in relation to the secu-

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rity of ferry-boats &c. at night, and relative to the employment of slaves &c. at the ferries across the Potomac and Ohio rivers; and upon petitions of citizens of the county of Mathews in relation to the hauling of seines, and the petition of Elizabeth A. Binns; and the following bill:

No. 154. A bill exempting firemen in the borough of Norfolk from serving on petit juries in civil cases.

Mr. SMITH *of Isle of Wight* presented a petition of William H. Chapman and Martha S. Chapman asking to be divorced.

Mr. WOOD a petition of Mary Eanes for a divorce from her husband.

Mr. WATTS a petition of Sally Sylvester and others praying that the commonwealth's right to certain lands in the county of Norfolk may be vested in the heirs of Henry Smith deceased.

The said petitions were referred to the committee for courts of justice.

On motion of Mr. Cox leave was granted to certain citizens of the county of Chesterfield to withdraw their petition presented at the last session of the general assembly.

Mr. Cox then re-presented the same petition praying that the state will become the purchaser of Mayo's bridge across James river between Manchester and Richmond, or that a company may be incorporated to erect a new bridge between the said city and town, which was referred to the committee of propositions and grievances.

On motion of Mr. TAYLOR *of Halifax* the resolution submitted by him on the thirteenth instant was taken up.

A motion was made by him to amend the same by substituting therefor the following:

Resolved, That this house will by joint vote with the senate proceed on *Friday the 31st instant*, to the election of a governor of this commonwealth to fill the vacancy which will be occasioned by the expiration of the term of the present incumbent David Campbell, esq.

The said substitute was amended on motion of Mr. BUTTS by striking out "*Friday the 31st instant*," and inserting in lieu thereof "*Wednesday the fifth of February*," and as amended was agreed to, and the said resolution as amended was also adopted.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The house according to the joint order of the day proceeded by joint vote with the senate to the election of a major-general of the second division of militia to fill the vacancy occasioned by the resignation of major-general William Madison; thereupon Mr. SOUTHALL nominated brigadier-general *William F. Gordon*, and Mr. CRUTCHFIELD nominated brigadier-general *Thomas H. Botts*, and the senate having been informed thereof and no person having been added to the nomination in that house, the vote was recorded as follows:

For general Gordon—Messrs. Gilmer, (speaker,) Southall, Carpenter, Wood, M'Cue, Lockridge, Burwell of Bedford, Hannah, Jackson of Braxton and Lewis, M'Millan, Haskins, Kyle, Flood, Thornburg, Toler, Corbin, Coleman, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Powell, Payne, Howell, Wade of Franklin, Baker, Byrd, King, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Armstrong, Smith of Isle of Wight, Gregory, Reynolds, Wright, Fontaine, Ewing, Ramey, Lipscomb, Orgain, Banks, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Michaux, Venable, Heath, Ratcliffe, Sturm, Robertson, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Clarke of Surry, Prince, Spotts, Goodson and Stanger—85.

For general Botts—Messrs. Cropper, Cabell, Stuart, Mitchell, Myers of Berkeley, Hunter, Fox, Cardwell, Broadus, Roane, Marshall, Scott, Alderson, Hale, Smith of Gloucester, Seymour, Lee, M'Rae, Hamlett, Worthington, Kennedy, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Harrison, Caldwell, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Evans, Massie, Allyn of Norfolk borough, Watts, M'Connell, Roberts, Walden, Leyburn, Crutchfield, Fitzhugh, Stephenson, Walker, and Jackson of Wood—42.

Ordered, That Messrs. Southall, Crutchfield, Scott, Banks, Baker, Evans, Caldwell, and Allyn of Norfolk borough be a committee to act jointly with a committee of the senate to ascertain the joint vote. Mr. SOUTHALL subsequently reported the vote to be for general *Gordon* 104; for general *Botts* 53: thereupon WILLIAM F. GORDON was declared duly elected a major-general of the militia for the second division.

The speaker laid before the house a communication from the cashier of the Bank of Virginia transmitting returns from the branches of said bank at Fredericksburg, Petersburg, Lynchburg, Charleston, Buchanan and Portsmouth, in answer to the resolution of the house of the sixth instant, exhibiting the names of the members of this house who are stockholders in said bank and their indebtedness as individuals or members of firms, which on motion of Mr. RATCLIFFE was laid upon the table and ordered to be printed. [Doc. No. 45.]

Mr. STEPHENSON from the committee of claims presented reports upon the petitions of George Hughart, and of the heirs of John Chavis deceased.

Mr. STANGER presented a petition of citizens of the county of Pulaski asking the passage of an act authorizing the site for the seat of justice of said county to be selected by a majority of the qualified voters of the county, which was referred to the committee of propositions and grievances.

On motion of Mr. VENABLE the following report of the committee for courts of justice was taken up and read:

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The committee for courts of justice have according to order had under consideration the petition of Samuel Lyle and others, to them referred, praying the passage of an act legalizing and confirming the deeds heretofore executed by Frederick Hobson as committee of Saint George Randolph, a person of unsound mind, to some of the petitioners for certain lots of land therein mentioned, and conferring full power and authority on the said Hobson to execute to others of the petitioners valid and sufficient deeds for the lots purchased by them for which deeds have not been made, to convey to them the fee simple title to the same, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

A motion was made by Mr. VENABLE that the said resolution be recommitted with instructions to the committee to bring in a bill favourable to the prayer of the petitioners, and the question being put thereupon was determined in the negative.

The said resolution was then agreed to.

Mr. MASSIE presented a petition of Joshua Webb praying the passage of an act confirming the sale of certain lands belonging to his children.

Mr. GOODSON a petition of William K. Trigg, executor of Jane Robinson deceased, praying that certain slaves liberated by the testatrix may be permitted to reside in the state.

The said petitions were referred to the committee for courts of justice.

On motion of Mr. COLEMAN the house adjourned.

SATURDAY, JANUARY 25, 1840.

A communication from the senate by their clerk:

IN SENATE, JANUARY 24, 1840.

The senate have passed the bill, entitled

"An act concerning levies for the building of bridges and causeways," with amendments in which they request the concurrence of the house of delegates.

The said amendments being read, on motion of Mr. BROADUS the said bill and amendments were laid upon the table.

Mr. VENABLE from the committe of finance reported without amendment

No. 14. A bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth, and for collecting the public revenue.

And presented reports upon the communication of the president of the board of principal assessors, and upon resolutions for requiring sheriffs to date the receipts for taxes, and for requiring the board of principal assessors to state in the margin of their tables the value added to land on account of minerals.

Mr. JACKSON *of Wood* from the committee for courts of justice presented reports upon the petitions of Anderson Taylor and of Philip Robertson; and the following bills:

No. 155. A bill amending the laws concerning slaves, free negroes and mulattoes; and

No. 156. A bill releasing John Murdaugh from the penalties of the duelling act.

Mr. WILSON from the committee of agriculture and manufactures presented the following bill:

No. 157. A bill to incorporate the Tazewell White Sulphur springs company.

Mr. JACKSON *of Wood* presented a statement exhibiting the number of suits commenced, pending and decided in the several circuits of the circuit superior courts of law and chancery, and affording other information upon the subject, which on his motion was laid upon the table and ordered to be printed. [Supplement to Doc. No. 8.]

Mr. RAMEY presented a petition of citizens of the county of Loudoun for the passage of a special road law for said county.

Mr. POWELL a petition of citizens of the county of Fairfax asking a change in the tolls on the Little river turnpike road.

The said petitions were referred to the committee of roads and internal navigation.

Mr. GOODE presented a remonstrance on behalf of the heirs and next of kin of Martin Dawson deceased against the petition of the Literary fund and the executors of said Dawson, which was referred to the committee of schools and colleges.

Mr. POWELL presented a petition of citizens of the county of Fairfax to incorporate the town of Dranesville in said county, which was referred to the committee of propositions and grievances.

On the 30th ultimo the house agreed to the following report and resolution:

The committee for courts of justice have according to order enquired into the expediency of enacting a law regulating the commissions to be allowed to commissioners appointed by the chancery courts of this commonwealth for the sale of real and personal estate, in order that the compensation throughout the state may be uniform; whereupon,

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Resolved as the opinion of this committee, That it is inexpedient to enact such a law, the act of the 21st March 1836 regulating commissions in such cases amply providing for the subject aforesaid.

On motion of Mr. POWELL the rule of the house was suspended and the vote agreeing to the said resolution was reconsidered, and the same was laid upon the table.

The speaker submitted a communication from the register of the land office in reply to the resolution of the house adopted on the 13th instant, shewing how many officers and soldiers have received military warrants for services in the revolution besides those included in the statement of the register bearing date 16th December 1834; also how many officers have received their warrants and what portion was received prior to the end of the year 1784, and what number of them were of the continental line; also the number of generals, colonels, lieutenant colonels, chaplains and surgeons, and the quantity of land paid to each class, which on motion of Mr. RATCLIFFE was laid upon the table and ordered to be printed. [Doc. No. 46.]

Mr. SMITH *of Isle of Wight* submitted resolutions intended to be offered by him as a substitute for the report of the committee on banks, which on his motion was laid upon the table and ordered to be printed. [Doc. No. 47.]

On motion of Mr. VENABLE,

No. 146. A bill to amend the several acts concerning the banks was taken up and ordered to be made the order of the day for Friday next.

Mr. SMITH *of Isle of Wight* then submitted the following resolutions which were laid upon the table:

Resolved, That it is expedient to modify the charters of the banks of this commonwealth which have or may hereafter forfeit them by a suspension of specie payments, in the following particulars to wit:

1. No bank shall issue or put into circulation any bond, note, draft, or other evidence of debt, which is not payable on demand.

2. Whenever the cash liabilities of a bank (including bonds, notes, or other evidences of debt in circulation, and deposites) shall exceed three times the amount of their specie on hand held to pay the demands against it, there shall be a regular and gradual reduction of its liabilities by curtailment or otherwise, until its specie aforesaid shall bear to its said cash liabilities a greater proportion than one third.

3. After the day of no new note or bill shall be discounted by a bank for or loan made to an individual or company who shall have been more than one year preceding continually indebted to it.

4. A report of the amount of the cash liabilities of a bank and of its specie on hand shall be published once in every two months in at least two newspapers, if so many be printed in the county in which the principal bank or that having the greatest amount of capital is located.

5. No dividends shall be made by a bank which has suspended specie payments until seven months after it shall have resumed.

6. Bank notes in circulation on being presented and payment thereof refused, shall be endorsed by some officer of the bank, and thereafter shall carry interest at the rate of 6 per cent. per annum until paid.

7. In the event of a suspension of specie payments by a bank, and a resumption thereof within 30 days, and a *bona fide* continuance of the same for six months thereafter, no forfeiture of its charter shall be incurred.

8. In the event of the suspension of specie payments by any principal bank or any branch bank thereof, that bank or branch only which shall have suspended shall be liable to a forfeiture of its charter; and the principal bank, if it shall have suspended, shall be transferred to that branch having the greatest amount of capital which shall have continued to pay its debts in specie on demand.

9. That no bill of exchange, note, draft or other evidence of debt, shall be discounted by a bank unless the payer be a resident of this state, carrying on business within the limits of the same.

10. That no note, the amount of which is not a multiple of the lowest sum for which a bank may lawfully issue its notes, shall be issued by banks under the sum or denomination of fifty dollars.

On motion the said resolutions were ordered to be printed. [Doc. No. 48.]

Mr. WORTHINGTON from the committee for courts of justice presented a report upon the memorial of inhabitants of Fredericksburg and Falmouth upon the subject of the bridge across the Rappahannock river about to be erected by the Richmond, Fredericksburg and Potomac rail-road company.

On motion of Mr. BANKS, *Resolved*, That the committee of agriculture and manufactures enquire into the expediency of amending the laws in relation to the inspection and branding of flour.

No. 111. A bill to convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock, and for other purposes, was taken up on motion of Mr. SEYMOUR, read the first and second times and ordered to be recommitted.

No. 76. An engrossed bill concerning the reward for killing wolves in the county of Loudoun was read a third time and passed: and the title was amended on motion of Mr. BEARD by striking out the words "*county of Loudoun*," and inserting in lieu thereof the words "*counties of Loudoun and Fauquier*."

No. 148. An engrossed bill amending the charter of the Wheeling fire and marine insurance company, was read a third time and passed.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

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The following bills were read a second time and ordered to be engrossed and read a third time, viz:

No. 77. A bill to establish a company of cavalry in the county of Halifax.

No. 81. A bill to incorporate the Bradford coal mining company in the county of Goochland.

No. 85. A bill to change the place of holding a separate election in the county of Franklin.

No. 84. A bill to discontinue Hooe's ferry across the Potomac from his land to Cedar Point in Maryland.

No. 87. A bill changing the time of holding the second quarterly term of the county court of Warren.

No. 88. A bill releasing to Susan C. Bott and Eliza Niblo the commonwealth's right to a lot in the town of Petersburg.

No. 89. A bill changing the time of holding the circuit superior courts of Jefferson county.

No. 92. A bill to change the time of the meeting of the next general assembly.

No. 94. A bill concerning the West Liberty academy in the county of Ohio.

No. 98. A bill incorporating the town of Triadelphia in the county of Ohio; and

No. 113. A bill concerning the preservation of records.

The following bills were read the first, and on motions made the second time, and ordered to be committed to the committees which brought them in, viz:

No. 100. A bill to incorporate the Virginia axe company; and

No. 108. A bill to incorporate the Potomac and Alleghany coal and iron manufacturing company.

The following bills were read the first and ordered to be read a second time, viz:

No. 99. A bill amending the laws concerning attachments against absent defendants.

No. 101. A bill to increase the stock of the Dover coal mining company and to grant them manufacturing privileges.

No. 102. A bill to amend an act, entitled "an act concerning the Valley turnpike company."

No. 103. A bill to amend an act, entitled "an act declaring Simpson's creek a public highway."

No. 104. A bill amending the laws in relation to the course of descents.

No. 105. A bill changing the time of holding the spring term of the circuit superior court for the 21st district for the trial of criminal causes.

No. 106. A bill concerning the draining of lands.

No. 107. A bill fixing the site for the seat of justice for the county of Pulaski.

No. 109. A bill authorizing an increase of the capital stock of the Rappahannock company.

No. 110. A bill incorporating the Carnifix ferry bridge company.

No. 112. A bill incorporating the Lewisburg savings institution, society or bank.

No. 114. A bill to amend the act, entitled "an act to incorporate the trustees of the Halifax academy."

No. 115. A bill to amend an act, entitled "an act incorporating the trustees of the Union academy of Campbell; and

No. 116. A bill incorporating the trustees of the Concord female seminary.

A report of the committee of agriculture and manufactures reporting it inexpedient to declare a portion of the Appomattox river a lawful fence was on motion of Mr. Wilson laid upon the table.

A report of the committee for courts of justice rejecting the petition of Samuel Howell was on motion of Mr. Gregory laid upon the table.

The following report of the committee of finance was read:

The committee of finance have according to order enquired "into the expediency of amending so much of the law which provides for the payment of poor rates on or before the first day of November in every year, so as to require the sheriffs or other collectors to make payment on or before the 15th day of December in every year:" Whereupon,

1. *Resolved as the opinion of this committee*, That it is inexpedient so to amend the said law.

The said committee have also enquired "into the expediency of allowing the clerks of this commonwealth until the first day of July to put their fees into the hands of the sheriff instead of the time now allowed by law:" Whereupon,

2. *Resolved as the opinion of this committee*, That it is inexpedient so to allow said clerks.

The said resolutions were agreed to, an unsuccessful motion having been made by Mr. M'Rae to amend the same so as to reverse the decision of the committee.

A further report of the same committee was read and agreed to as follows:

The committee of finance have according to order enquired into the expediency of amending so much of the 8th section of the act, entitled "an act reducing into one act the several acts concerning tithables, and directing the mode of laying and collecting the county levy," passed March 6th, 1819, as requires sheriffs to account with and satisfy county creditors the respective sums levied for them; and to adjust and settle the accounts of their collections with the courts on or before the first day of November in every year. And also so much of the 22nd section of the act, entitled "an act reducing into one the several acts concerning the fees of certain officers and declaring the mode of discharging the said fees," passed March 2nd, 1819, as requires the payment of said fees to the persons entitled on or before the first day of November in every year; so as require the sheriffs *here-*

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after to pay the said sums of money on or before the 15th day of December in every year, instead of the said 1st day of November in every year: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient so to amend said acts.

A message from the senate by Mr. Tod:

Mr. Speaker—The senate agree to the resolution for the election of a governor of this commonwealth with an amendment, in which they respectfully request the concurrence of this house.

The said resolution provided that the election should be made on "*Wednesday the fifth of February.*" The amendment of the senate proposed to strike out the word "*fifth*" and insert in lieu thereof the word "*first.*"

On motion of Mr. Crutchfield the house disagreed to the same.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Hunter the house adjourned.

MONDAY, January 27, 1840.

Mr. Crutchfield from the committee of roads and internal navigation reported with amendment the following bill:

No. 111. A bill to convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock and for other purposes.

And presented a report upon the resolution relative to the foreclosure of the mortgage on the Fishing creek road; and the following bill:

No. 158. A bill incorporating the Sweet springs and Salt Sulphur turnpike company.

Mr. Ramey from the committee of propositions and grievances presented the following bills:

No. 159. A bill to incorporate French's hotel company in the borough of Norfolk; and

No. 160. A bill to amend the act, entitled "an act to amend the several acts concerning slaves, free negroes and mulattoes," passed 11th March 1834.

Mr. Wilson from the committee on agriculture and manufactures reported without amendment the following bill:

No. 108. A bill to incorporate the Potomac and Alleghany coal and iron manufacturing company.

Mr. May from the committee for courts of justice presented reports upon the petitions of Daniel D. Jones and of Reese Browning; and the following bills:

No. 161. A bill divorcing Mary Eanes from her husband George H. Eanes; and

No. 162. A bill concerning Thomas Beazley a free man of colour.

On motion of Mr. Crutchfield the report of the committee of roads and internal navigation upon the memorial of the convention held at Giles courthouse was taken up and ordered to be committed to the said committee.

On motion of Mr. Ramey, *Resolved*, That the committee of propositions and grievances have power to send for persons and papers touching the consideration of the petition of Abigail Mayo praying an increase of the tolls of Mayo's bridge across the James river at the city of Richmond, and referred to said committee.

On motion of Mr. Ridley, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of authorizing the overseers of the poor for the several counties of this commonwealth to hold their annual meetings in the month of July instead of the month of June as is now required by law; also into the expediency of authorizing the county courts to lay their levies at the July term if not laid or completed at the June term of said courts.

On motion of Mr. Wade *of Montgomery*, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of authorizing John Whitaker to build a toll-bridge across Peak creek in the county of Pulaski, and they have leave to report by bill or otherwise.

On motion of Mr. Erskine, *Resolved*, That the committee of propositions and grievances be instructed to enquire into the expediency of more effectually preventing the killing sheep by dogs, and report by bill or otherwise.

On motion of Mr. Reynolds, *Ordered*, That leave be given to bring in a bill to incorporate the town of Terra Salis in the county of Kanawha, and that Messrs. Reynolds, Smith of Mason and Jackson, Alderson, Thornburg, Jackson of Braxton and Lewis, and Jackson of Wood bring in the same.

A motion was made by Mr. Ratcliffe that the house adopt the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the propriety of furnishing the several judges of this commonwealth with Robinson's Practice and the reports of the decisions of the court of appeals and general court or such of them as may be necessary to aid said judges in the discharge of their judicial duties.

And the question being put thereupon was determined in the negative.

On motion of Mr. Goodson, *Resolved*, That the committee of roads and internal navigation enquire into the expediency of constructing a dirt turnpike road from the town of Newbern in the county of Pulaski by way of Wytheville, Marion and Abingdon to the Tennessee line.

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Mr. M'Millan presented a petition of A. Campbell and others for the incorporation of a literary institution to be located at Bethany in the county of Brooke.

Mr. Erskine a petition of the trustees of the Lewisburg academy asking aid for that institution from the Literary fund.

The said petitions were referred to the committee of schools and colleges.

Mr. Heath presented a petition of citizens of the county of Prince George for the establishment of two separate elections in said county.

Mr. Conn a petition of the citizens of New Market in the county of Shenandoah asking a repeal of the act incorporating said town, and the passage of another act vesting the trustees with other powers and prescribing other duties.

Mr. Smith *of Mason and Jackson* a petition of citizens of the town of Point Pleasant asking for the passage of an act incorporating said town.

The said petitions were referred to the committee of propositions and grievances.

Mr. Byrd presented a petition of Peter Kremer praying to be allowed the reward mentioned in a proclamation of a former governor of the commonwealth for the apprehension of negro John, a fugitive from justice, or to have refunded a sum of money expended by him in the apprehension of said negro; which was referred to the committee of claims.

Mr. Lipscomb presented a petition of William Stout and others praying that Wilson M. Carter may be released from a fine imposed upon him by a judgment of the circuit superior court of the county of Louisa; which was referred to the committee for courts of justice.

The house according to the joint order of the day proceeded by joint vote with the senate to the election of a judge of the general court in the eighth judicial circuit, to supply the vacancy occasioned by the death of judge William Daniel. Mr. Flood nominated *Daniel A. Wilson;* Mr. Lee nominated *William Daniel jr.;* Mr. Fox nominated *John B. Dabney;* Mr. Toler nominated *Charles L. Mosby* and *John Wills;* and the senate having been informed thereof by Mr. Lee, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Daniel A. Wilson—Messrs. Gilmer, (speaker,) Bayly, Cropper, Wood, M'Millan, Kyle, Flood, Thornburg, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Payne, Hale, Byrd, Butts, Wright, Ewing, Orgain, Smith of Mason and Jackson, Baskerville, Goode, Evans, Chapman, Allyn of Norfolk borough, Hiner, Michaux, Smith of Russell, Griever, Spotts and Walker—34.

For William Daniel jr.—Messrs. Carpenter, Stuart, Lockridge, Mitchell, Hannah, Cox, Powell, Howell, Baker, King, Carroll of Grayson, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Lipscomb, Banks, Taylor of Mathews and Middlesex, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince and Goodson—40.

For John B. Dabney—Messrs. Cabell, M'Cue, Burwell of Bedford, Myers of Berkeley, Fox, Corbin, Marshall, Scott, Alderson, Wade of Franklin, Smith of Gloucester, Erskine, Taylor of Halifax, Seymour, M'Rae, Hamlett, Worthington, Fontaine, Lawson, Beard, Ramey, Caldwell, Hodges, Massie, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Crutchfield, and Jackson of Wood—40.

For Charles L. Mosby—Messrs. Southall, Hunter, Toler, Coleman, Gibson, Gregory, Kennedy, Reynolds, Tayloe of Lancaster and Richmond, Harrison, Stephenson and Stanger—12.

Ordered, That Messrs. Flood, Lee, Fox, M'Millan, Toler, Goode, Wood, Fontaine and Tunstall, be a committee to act jointly with a committee of the senate to ascertain the joint vote; subsequently Mr. Flood reported the said vote to be for *Daniel A. Wilson* 39; for *William Daniel jr.* 56; for *John B. Dabney* 45; for *Charles L. Mosby* 17.

No person having received a majority of the joint vote, and Mr. Mosby having been dropped under the rule of the house, the vote was again taken and recorded as follows:

For Daniel A. Wilson—Messrs. Gilmer, (speaker,) Bayly, Cropper, Wood, Hunter, M'Millan, Kyle, Flood, Thornburg, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Payne, Howell, Hale, Byrd, Butts, Gregory, Reynolds, Wright, Ewing, Orgain, Smith of Mason and Jackson, Baskerville, Goode, Evans, Chapman, Allyn of Norfolk borough, Hiner, Michaux, Smith of Russell, Griever, Spotts, Walker and Stanger—39.

For William Daniel jr.—Messrs. Carpenter, Stuart, Lockridge, Mitchell, Hannah, Cox, Powell, Baker, King, Carroll of Grayson, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Lipscomb, Banks, Taylor of Mathews and Middlesex, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince and Goodson—39.

For John B. Dabney—Messrs. Southall, Cabell, M'Cue, Burwell of Bedford, Myers of Berkeley, Toler, Fox, Corbin, Coleman, Marshall, Scott, Alderson, Wade of Franklin, Smith of Gloucester, Erskine, Taylor of Hali-

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fax, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Hodges, Massie, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Crutchfield, Stephenson, and Jackson of Wood—49.

The same committee again met a committee of the senate, and Mr. FLOOD reported the joint vote to be for *Wilson* 42, for *Daniel* 66, for *Dabney* 60.

No person having yet received a majority of the joint vote, and Mr. Wilson having been dropped under the rule of the house, Mr. CHAPMAN renominated *Daniel A. Wilson*, and the vote was again taken and recorded as follows:

For William Daniel jr.—Messrs. Carpenter, Stuart, Hannah, Cox, Powell, Baker, King, Clark of Halifax, Allen of Hampshire, Lee, Banks, Taylor of Mathews and Middlesex, Clayton, Hudnall, Fitzgerald, Hiden, Aleshire, Carroll of Preston, Heath, Ratcliffe, Sturm, Smith of Rockingham, Shipman, Bare, Ridley, Fitzhugh, Prince and Goodson—28.

For Daniel A. Wilson—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Hunter, M'Millan, Kyle, Flood, Thornburg, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Payne, Howell, Hale, Byrd, Butts, Armstrong, Gregory, Reynolds, Wright, Ewing, Lipscomb, Orgain, Smith of Mason and Jackson, Baskerville, Goode, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Hiner, Michaux, Snyder, Smith of Russell, Quillen, Conn, Griever, Clarke of Surry, Spotts, Walker and Stanger—48.

For John B. Dabney—Messrs. Cabell, M'Cue, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Toler, Fox, Corbin, Coleman, Marshall, Scott, Alderson, Wade of Franklin, Smith of Gloucester, Carroll of Grayson, Erskine, Taylor of Halifax, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Hodges, Massie, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Crutchfield, Stephenson, and Jackson of Wood—51.

The same committee again met a committee of the senate, and Mr. FLOOD reported the joint vote to be for *Daniel* 36, for *Dabney* 61, for *Wilson* 61.

No person having received a majority of the joint vote, and Mr. Daniel having been dropped under the rule of the house, the vote was again taken and recorded as follows:

For Daniel A. Wilson—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, Wood, Hunter, Hannah, M'Millan, Kyle, Flood, Thornburg, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Payne, Howell, Hale, Baker, Byrd, King, Carroll of Grayson, Butts, Allen of Hampshire, Lee, Armstrong, Gregory, Reynolds, Wright, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Walker and Stanger—71.

For John B. Dabney—Messrs. Southall, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Toler, Fox, Corbin, Coleman, Marshall, Scott, Alderson, Wade of Franklin, Smith of Gloucester, Erskine, Taylor of Halifax, Clark of Halifax, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Hodges, Massie, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Crutchfield, Stephenson, and Jackson of Wood—53.

Mr. FLOOD from the joint committee reported the joint vote to be for *Daniel A. Wilson* 92, for *John B. Dabney* 63; thereupon *Daniel A. Wilson* was declared duly elected a judge of the general court for the eighth circuit.

On motion of Mr. VENABLE, *Resolved*, That when the house adjourns to-day it will adjourn until to-morrow eleven o'clock.

And then on motion of Mr. TAYLOR *of Halifax* the house adjourned.

TUESDAY, JANUARY 28, 1840.

A communication from the senate by their clerk:

IN SENATE, JANUARY 27, 1840.

The senate recede from their amendment to the resolution for the election of a governor of the commonwealth to which the house of delegates disagreed; and have agreed to the said resolution with another amendment, in which they request the concurrence of the house of delegates.

On motion of Mr. MAY the said resolution and amendment were laid upon the table.

A communication was received from the governor enclosing a general statement of the condition of the

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Farmers Bank of Virginia and its branches on the first instant, which on motion of Mr. VENABLE was laid upon the table and ordered to be printed. [Doc. No. 50.]

A further communication was received from the governor as president of the literary fund, transmitting the first annual report of the visitors of the Virginia institution for the education of the deaf and dumb and of the blind, which on motion of Mr. VENABLE was laid upon the table and ordered to be printed. [Doc. No. 51.]

On motion of Mr. CHAPMAN, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of further extending and amending the act incorporating the Buchanan, Fincastle and Blacksburg turnpike company, passed March 27th, 1838; also into the expediency of reviving and amending an act incorporating the Red Sulphur and Newbern turnpike company.

On motion of Mr. HIDEN, *Resolved*, That the committee for courts of justice enquire into the expediency of providing by law that but one set of costs be taxed to the defendant in any court in this commonwealth where more than one suit is instituted on the same obligation.

On motion of Mr. COX, *Resolved*, That a select committee be appointed to enquire into the best means of effecting a speedy, safe and convenient communication between the city of Richmond and the south side of the James river, and that they have leave to report by bill or otherwise.

And a committee was appointed of Messrs. Cox, Robertson, M'Rae, Michaux, May, Heath and Coleman.

On motion of Mr. ROBERTSON the committee of propositions and grievances were discharged from the petition of Abigail Mayo, and citizens of the county of Chesterfield, and all other subjects referred to said committee relative to the bridge across James river between the city of Richmond and Manchester, and the same were referred to the said select committee just appointed.

Mr. VENABLE from the committee of finance presented reports upon the petitions of Richard B. Baptist, and of John W. Headen and others of the county of Floyd.

Mr. GOODE from the committee of schools and colleges presented the following bill:

No. 163. A bill authorizing additional compensation for the tuition of poor children.

Mr. WILSON from the committee on agriculture and manufactures reported with amendments the following bill:

No. 100. A bill to incorporate the Virginia axe company.

Mr. SOUTHALL from the committee of privileges and elections, presented reports upon the returns and oaths of the members of the house of delegates, and upon a resolution proposing an amendment to the general election law.

On motion of Mr. SOUTHALL the said committee was discharged from the consideration of the resolution for revising the laws regulating the general elections of Virginia, and the same was laid upon the table.

Mr. SOUTHALL announced that the said committee having finished the business before them had no longer use for their clerk, and he was accordingly directed to be discharged.

Mr. MAY from the committee for courts of justice presented reports upon the resolution concerning limitation of the liability of assignors; and upon the petitions of Joshua Webb, and of William H. Chapman; and the following bill:

No. 164. A bill providing for the payment of slaves condemned to transportation under the act concerning the circulation of incendiary publications.

On motion of Mr. CRUTCHFIELD, *Resolved*, That the committee for courts of justice enquire into the expediency of amending the act, entitled "an act reducing into one the several acts for unlading ballast," &c., passed February 10th, 1819.

On motion of Mr. CARPENTER, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a joint stock company to construct a turnpike road from the mouth of Oglie's creek in the county of Alleghany to intercept the White Sulphur and Sweet springs turnpike at some point near John Crow's in said county, with leave to report by bill or otherwise.

On motion of Mr. GREGORY, *Resolved*, That the committee for courts of justice be instructed to enquire into the propriety of furnishing the judges of the circuit superior courts of law and chancery with the reports of the civil and criminal appellate courts of this state on the same terms and under the same restrictions that the Revised Code, Supplement, and Hening's Justice are now by law furnished to justices of the peace, and that said committee have leave to report by bill or otherwise.

On motion of Mr. CARDWELL the rule of the house was suspended, and Mr. HAMLETT was ordered to be added to the committee to examine enrolled bills.

Mr. WALDEN presented a petition of William Gaunt and others of the county of Rappahannock for the establishment of a separate election at the town of Sperryville in said county, which was referred to the committee of propositions and grievances.

Mr. KENNEDY a petition of citizens of the county of Jefferson, praying that the Baltimore and Ohio railroad company may be authorized to establish a depot at the intersection of their road with the Shepherdstown and Smithfield turnpike, which was referred to the committee of roads and internal navigation.

Mr. CARPENTER presented a petition of citizens of the town of Covington, asking the passage of an act incorporating said town.

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Mr. Conn a petition of citizens of the county of Shenandoah in favour of the memorial from the county of Hardy which asks that a part of that county may be added to the county of Shenandoah.

The said petitions were referred to the committee of propositions and grievances.

On motion of Mr. Gregory the resolution submitted by him on the sixth ultimo was taken up and read as follows:

Resolved, That the committee of finance be instructed to enquire into the expediency of raising the salary of the judges of this commonwealth.

A motion was made by Mr. Ratcliffe to amend the said resolution by adding thereto "and of reducing the pay of the members of the general assembly to three dollars per day."

A motion was then made by Mr. May, that the farther consideration of the said resolution and amendment be indefinitely postponed; and the question being put thereupon was determined in the affirmative.

On motion of Mr. Hunter, the vote was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Bayly, Southall, Carpenter, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Kennedy, Reynolds, Wright, Tayloe of Lancaster and Richmond, Ewing, Beard, Ramey, Harrison, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Myers of Morgan, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Staples, Hiner, May, Keen, Michaux, Venable, Roberts, Heath, Sturm, Walden, Robertson, Snyder, Leyburn, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Clarke of Surry, Prince, Spotts, Goodson, Jackson of Wood, and Stanger—104.

Noes—Messrs. Smith of Gloucester, Erskine, Seymour, Gregory, Worthington, Fontaine, Lawson, Lipscomb, Evans, Wade of Montgomery and Pulaski, Hodges, M'Connell, Tunstall, Ratcliffe, Stephenson and Walker—16.

Mr. Taylor *of Halifax* presented a petition of William G. Hall for the passage of an act to authorize the treasurer of the school commissioners of Halifax to pay him a sum of money, which was referred to the committee of schools and colleges.

On motion of Mr. May, the bill

No. 25, entitled "an act prescribing the punishment for poisoning or attempting to poison," with the amendments thereto proposed by the senate was taken up, and the said amendments being read were severally agreed to.

Ordered, That the clerk inform the senate thereof.

No. 75. A bill to amend the 52d section of the act entitled "an act reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators," was taken up on motion of Mr. May, read a second time, amended by him, and as amended ordered to be engrossed.

No. 29. A bill to provide for a revision of the laws was taken up on motion of Mr. May and ordered to be committed to the committee which brought it in.

No. 111. A bill to convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock and for other purposes, was taken up on motion of Mr. Byrd, and the amendment thereto proposed by the committee of roads and internal navigation being agreed to, the same was on motion of Mr. Venable laid upon the table and ordered to be printed.

No. 14. A bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth and for collecting the public revenue, was taken up on motion of Mr. Venable, amended on motions severally made, and as amended ordered to be engrossed.

On motion of Mr. Robertson, the same having been amended on motions severally made,

Resolved, That the second auditor prepare and transmit to this house a condensed statement shewing the amount of the whole existing debt of the commonwealth, on all accounts for which certificates have been issued, as well as the amount for which certificates remain to be issued to complete engagements entered into on the part of the commonwealth, and including its liabilities for any debts for the payment of which the faith of the state may be pledged; for what purpose issued, where held and when redeemable, as far as may be in his power; and also a statement of the bank stocks and other available or unavailable stocks and funds of every description held by or for the commonwealth.

On motion of Mr. Robertson a statement heretofore prepared by the second auditor relative to the debt of the state, was ordered to be printed. [Doc. No. 52.]

On motion of Mr. Cox, *Resolved*, That the committee of agriculture and manufactures be instructed to enquire into the expediency of incorporating the Falling creek manufacturing company, and that they have leave to report by bill or otherwise.

On motion of Mr. Lee the house adjourned.

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WEDNESDAY, January 29, 1840.

A communication from the senate by their clerk:

IN SENATE, January 28, 1840.

The senate have passed the bill, entitled,

"An act amending the charter of the Wheeling fire and marine insurance company."

On motion of Mr. Hunter, *Resolved*, That the committee for courts of justice enquire into the expediency of amending the first section of an act passed March 1st, 1819, entitled "an act to reduce into one the several acts to regulate the solemnization of marriages," &c.

On motion of Mr. Reynolds, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of amending the act, entitled "an act to provide for the construction of a road between Weston in the county of Lewis, and Charleston in the county of Kanawha," passed January 19th, 1836.

On motion of Mr. Southall, *Resolved*, That this house will on the sixth day of February next, by joint vote with the senate, proceed to the election of a brigadier general for the third brigade of Virginia militia, to supply the vacancy occasioned by the promotion of brigadier general Gordon to the office of major general.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. Robertson the select committee raised on yesterday upon the subject of a connection between the city of Richmond and Manchester was discharged from the petition of Abigail Mayo, and the same was referred to the committee of propositions and grievances.

Mr. May from the committee for courts of justice presented a report upon the petition of Sally Sylvester &c., for a release of the commonwealth's title to certain lands; and the following bills:

No. 165. A bill authorizing *femes covert* to maintain suits in their own names when deserted by their husbands.

No. 166. A bill granting permission to certain slaves emancipated by Jane Robinson deceased to remain in the commonwealth.

No. 167. A bill authorizing the confession of judgments in the clerk's office, and for other purposes; and

No. 168. A bill for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands.

Mr. Wilson from the committee of agriculture and manufactures presented the following bill:

No. 169. A bill amending the charter of the Appomattox coal mining company.

Mr. Ramey from the committee of propositions and grievances presented reports upon the petition of citizens of the county of Hardy that a part thereof be added to the county of Shenandoah; and upon the petition of sundry inhabitants of Chesterfield concerning Mayo's bridge; and the following bill:

No. 170. A bill to authorize a ferry from the lands of William W. Wenner in the county of Loudoun across the Potomac river.

Mr. Smith *of Rockingham* presented a petition and proceedings of a public meeting of the citizens of the county of Rockingham, asking the incorporation of the Rockingham academy, which was referred to the committee of schools and colleges.

Mr. Dorman presented a petition of Audly Paul praying to be allowed a pension, which was referred to the committee of claims.

Mr. Gregory presented a resolution and memorial of the mayor, aldermen and common council of Williamsburg, asking an alteration in the charter of said city, which was referred to the committee for courts of justice.

Mr. Gibson presented sundry papers and affidavits relative to the change proposed to be made to the charter of the town of Winchester, which was on his motion ordered to be laid upon the table.

The following engrossed bills were read a third time and passed:

No. 77. A bill to establish a company of cavalry in the county of Halifax.

No. 81. A bill to incorporate the Bradford coal mining company in the county of Goochland.

No. 84. A bill to discontinue Hooe's ferry across the Potomac from his land to Cedar Point in Maryland.

No. 85. A bill to change the place of holding a separate election in the county of Franklin.

No. 87. A bill changing the time of holding the second quarterly term of the county court of Warren.

No. 88. A bill releasing to Susan C. Bott and Eliza Niblo the commonwealth's right to a lot in the town of Petersburg.

No. 89. A bill changing the time of holding the circuit superior court of Jefferson county.

No. 92. A bill to change the time of the meeting of the next general assembly.

No. 98. A bill incorporating the town of Triadelphia in the county of Ohio; and

No. 113. A bill concerning the preservation of records.

No. 75. A bill to amend the 52d section of the act, entitled "an act reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators," was read a third time and passed, and the title was amended on motion of Mr. May, so as to cause it to be "*an act concerning the duty of executors and administrators, and wills of personal estate.*"

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Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 94. An engrossed bill concerning the West Liberty academy in the county of Ohio, was on motion of Mr. M'Connell ordered to be laid upon the table.

The house according to the joint order of the day proceeded to the election of a senator to represent this state in the senate of the United States, to supply the vacancy occasioned by the expiration of the term of service of *William C. Rives* esq.; thereupon, Mr. Crutchfield nominated *William C. Rives*, and Mr. Ridley nominated *John Y. Mason*, and the senate having been informed thereof by Mr. Crutchfield,

A message was received from the senate by Mr. Smith *of Culpeper:*

Mr. Speaker—The senate have adopted a resolution for postponing the execution of the joint order of the day until to-morrow, in which they respectfully request the concurrence of this house.

The said resolution is the following:

Resolved, That the senate will with the consent of the house of delegates postpone the execution of the joint order of the day until to-morrow at eleven o'clock.

And the question being put thereupon was determined in the negative.

Ordered, That Mr. Goode inform the senate thereof.

After some time a further message was received from the senate by Mr. Baptist:

Mr. Speaker—The senate are now ready to execute the joint order of the day, and no person has been added to the nomination in that house.

The names of the members were then called, and the vote was recorded as follows:

For William C. Rives—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Griever, Crutchfield, Stephenson, Walker, and Jackson of Wood—70.

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—61.

For R. M. T. Hunter—Thomas H. Bayly—1.

For Thomas W. Gilmer—Carter Crafford—1.

For John J. Allen—Thomas Smith of Gloucester—1.

Ordered, That Messrs. Crutchfield, Ridley, Chapman, Goode, Smith of Russell, Venable, Bayly, Lipscomb, Tunstall, Worthington, Cropper, Crafford and Hunter be a committee to ascertain the state of the joint vote; Mr. Crutchfield subsequently reported the said vote to be for *William C. Rives* 83; for *John Y. Mason* 79; scattering 4.

There being no election the vote was again recorded as follows:

For William C. Rives—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Griever, Crutchfield, Stephenson, Walker, and Jackson of Wood—70.

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—61.

For R. M. T. Hunter—Mr. Bayly—1.

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For Thomas W. Gilmer—Mr. Crafford—1.

For John Robertson—Mr. Smith of Gloucester—1.

Mr. CRUTCHFIELD from the joint committee reported the joint vote to be for *William C. Rives* 83; for *John Y. Mason* 80; scattering 3.

A message was then received from the senate by Mr. TOD:

MR. SPEAKER—The senate have adopted a resolution for postponing the execution of the joint order of the day until to-morrow, in which they respectfully request the concurrence of this house.

The said resolution is the following:

Resolved, That the senate will, with the consent of the house of delegates, postpone the further execution of the joint order of the day until to-morrow at 11 o'clock.

And the question being put thereupon was determined in the affirmative.

Ordered, That Mr. RIDLEY inform the senate thereof.

On motion of Mr. CLARKE *of Surry* the house adjourned.

THURSDAY, JANUARY 30, 1840.

The house according to the postponed joint order of the day, proceeded by joint vote with the senate to the election of a senator of the United States to supply the vacancy occasioned by the expiration of the term of service of *William C. Rives*, esq., and the senate having been informed by Mr. CRUTCHFIELD that no person had been added to the nomination made in this house on yesterday, and no person having been added to the nomination in that house, the vote was taken and recorded as follows:

For William C. Rives—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For John Robertson—Mr. Bayly—1.

For Valentine W. Southall—Mr. Crafford—1.

For James C. Bruce—Mr. Smith of Gloucester—1.

Ordered, That Messrs. Crutchfield, Ridley, Chapman, Goode, Smith of Russell, Venable, Bayly, Lipscomb, Tunstall, Worthington, Cropper, Crafford and Hunter be a committee to act jointly with a committee from the senate to ascertain the state of the joint vote.

Mr. CRUTCHFIELD from the joint committee reported the joint vote to be for *William C. Rives* 82, for *John Y. Mason* 81, scattering 3.

There being no election, the vote was again recorded as follows:

For William C. Rives—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald,

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Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For John Robertson—Mr. Bayly—1.

For Valentine W. Southall—Mr. Crafford—1.

For William H. Macfarland—Mr. Smith of Gloucester—1.

Mr. CRUTCHFIELD from the joint committee reported the joint vote to be for *William C. Rives* 82, for *John Y. Mason* 81, scattering 3.

There being no election the vote was again recorded as follows:

For William C. Rives—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For Littleton W. Tazewell—Mr. Bayly—1.

For Abel P. Upshur—Mr. Crafford—1.

For Thomas W. Gilmer—Mr. Smith of Gloucester—1.

Mr. CRUTCHFIELD reported from the joint committee the joint vote to be for *William C. Rives* 82; for *John Y. Mason* 81; scattering 3.

There being no election the vote was again recorded as follows:

For William C. Rives—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For Francis Mallory—Mr. Bayly—1.

For Abel P. Upshur—Mr. Crafford—1.

For Henry A. Wise—Mr. Smith of Gloucester—1.

Mr. CRUTCHFIELD from the joint committee reported the joint vote to be for *William C. Rives* 82; for *John Y. Mason* 81; scattering 3.

There being no election, a motion was made by Mr. CRUTCHFIELD that the house adopt the following resolution:

Resolved, That the execution of the joint order of the day for the election of a senator to represent this state in the senate of the United States be postponed until the fifth day of February next.

The same being under discussion, Mr. RATCLIFFE demanded the previous question, and the vote being taken thereupon, it was determined that the main question should not now be put.

On motion of Mr. GREGORY the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Carpenter, Hunter, Hannah, Jackson of Braxton and Lewis,

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Meredith, Haskins, Thornburg, Fox, Whitworth, Crafford, Marshall, Payne, Howell, Byrd, King, Guerrant, Butts, Clark of Halifax, Gibson, Allen of Hampshire, White, Armstrong, Wright, Fontaine, Ewing, Lipscomb, Caldwell, Baskerville, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Watts, Etheridge, Hudnall, Fitzgerald, M'Connell, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Bare, Clarke of Surry, Prince, and Jackson of Wood—51.

Noes—Messrs. Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Roane, Powell, Scott, Alderson, Hale, Wade of Franklin, Baker, Smith of Gloucester, Carroll of Grayson, Erskine, Taylor of Halifax, Seymour, Lee, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Orgain, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Goode, Evans, Chapman, Hodges, Allyn of Norfolk borough, Yerby, Hiden, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Michaux, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Walker and Stanger—83.

The proposition for postponing the execution of the joint order having been farther discussed, Mr. Crutchfield with the consent of the house withdrew his proposition.

Thereupon on motion of Mr. Seymour, *Resolved*, That the execution of the joint order of the day for the election of a senator to represent this state in the senate of the United States be postponed until to-morrow eleven o'clock.

Ordered, That Mr. Hunter inform the senate thereof.

On motion of Mr. Taylor *of King George*, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of amending the act reducing into one the several acts concerning slaves, free negroes and mulattoes, passed 2d of March 1819.

On motion of Mr. Clark *of Halifax* leave was given to withdraw the petition of citizens of the county of Halifax, praying for the establishment of a separate election in said county, presented at the last session of the general assembly; thereupon Mr. Clark presented the same again, and it was referred to the committee of propositions and grievances.

On motion of Mr. Gregory leave was given to withdraw the petition of William M. Moody praying to be allowed a sum of money, which was presented at the last session of the general assembly; he thereupon represented the same and it was referred to the committee of claims.

Mr. Worthington presented sundry documents relative to the change in the charter of the town of Winchester, which were laid upon the table.

Mr. Wade *of Montgomery* presented a petition of citizens of the county of Montgomery praying for a change in the charter of the Salem and Pepper's ferry turnpike company, which was referred to the committee of roads and internal navigation.

On motion of Mr. Mitchell leave was granted to Howell Robinson and his wife to withdraw their petitions presented at the present session.

On motion of Mr. Marshall the committee of finance was discharged from the petition of James B. Beverley, and leave was given the petitioner to withdraw his petition.

Mr. Hodges presented a petition of James Daniel praying for a sale of a tract of land in the county of Nansemond, which was referred to the committee for courts of justice.

A message from the senate by Mr. Lyons:

Mr. Speaker—The senate have concurred in the resolution for postponing the execution of the joint order of the day until to-morrow eleven o'clock.

On motion of Mr. May the house adjourned.

FRIDAY, January 31, 1840.

A communication from the senate by their clerk:

IN SENATE, January 30, 1840.

The senate have agreed to the resolution for the election of a brigadier-general for the third brigade of militia.

The house according to the postponed joint order of the day proceeded by joint vote with the senate to the election of a senator to represent this state in the senate of the United States; thereupon Mr. Gregory nominated *John J. Allen*; and *William C. Rives* and *John Y. Mason* being continued in nomination, and the senate having been informed thereof by Mr. Gregory; and no person having been added to the nomination in that house, the vote was recorded as follows:

For William C. Rives—Messrs. Wood, Cabell, Lockridge, Fox, Broadus, Marshall, Scott, Payne, Worthing-

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ton, Kennedy, Caldwell, Hodges, Massie, Watts, M'Connell, Keen, Tallman, Roberts, Smith of Russell, and Crutchfield—20.

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For John J. Allen—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Corbin, Coleman, Cardwell, Wilson, Whitworth, Crafford, Roane, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Smith of Mason and Jackson, Evans, Allyn of Norfolk borough, Etheridge, Yerby, Staples, May, Tunstall, Walden, Robertson, Leyburn, Dorman, Stephenson, Walker, and Jackson of Wood—52.

Ordered, That Messrs. Ridley, Chapman, Goode, Smith of Russell, Venable, Bayly, Lipscomb, Tunstall, Worthington, Cropper, Crafford and Hunter be a committee to act jointly with a committee from the senate to ascertain the state of the joint vote.

Mr. Ridley from the joint committe reported the joint vote to be for *William C. Rives* 23; for *John Y. Mason* 80; for *John J. Allen* 63.

There being no election, and *Mr. Rives* being dropped under the rule of the house, the vote was again recorded as follows:

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For John J. Allen—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keon, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Stephenson, Walker, and Jackson of Wood—64.

For William C. Rives—Messrs. Wood, Cabell, Lockridge, Fox, Payne, Massie, Smith of Russell, and Crutchfield—8.

Mr. Ridley from the joint committee reported the joint vote to be for *John Y. Mason* 79; for *John J. Allen* 76; scattering 11.

There being no election the vote was again recorded as follows:

For John Y. Mason—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For John J. Allen—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Stephenson, Walker, and Jackson of Wood—66.

For William C. Rives—Messrs. Wood, Cabell, Lockridge, Payne, Smith of Russell, and Crutchfield—6.

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Mr. RIDLEY from the joint committee reported the joint vote to be for *John Y. Mason* 80; for *John J. Allen* 78; scattering 8.

There being no election the vote was again taken and recorded as follows:

For John Y. Mason—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—63.

For John J. Allen—Messrs. Gilmor, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Stephenson, Walker, and Jackson of Wood—68.

For William C. Rives—Messrs. Payne, Smith of Russell, and Crutchfield—3.

Mr. RIDLEY from the joint committee reported the joint vote to be for *John Y. Mason* 81; for *John J. Allen* 80; scattering 5.

On motion of Mr. SCOTT, *Resolved*, That the execution of the joint order of the day for the election of a senator to represent this state in the senate of the United States be postponed until to-morrow eleven o'clock.

Ordered, That Mr. RIDLEY carry the same to the senate and request their concurrence.

A message was received from the senate by Mr. SMITH *of Culpeper:*

MR. SPEAKER—The senate respectfully disagree to the resolution for postponing the execution of the joint order of the day until to-morrow eleven o'clock.

The vote was again taken and recorded as follows:

For John Y. Mason—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—63.

For John J. Allen—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Stephenson, Walker, and Jackson of Wood—68.

For William C. Rives—Messrs. Smith of Russell, and Crutchfield—2.

Mr. RIDLEY from the joint committee reported the joint vote to be for *John Y. Mason* 81; for *John J. Allen* 80; scattering 4.

On motion of Mr. SCOTT, *Resolved*, That the execution of the joint order of the day for the election of a senator to represent this state in the senate of the United States be postponed until to-morrow eleven o'clock.

Ordered, That Mr. SCOTT carry the said resolution to the senate and request their concurrence.

A message was received from the senate by Mr. TOD:

MR. SPEAKER—The senate agree to the resolution for postponing the execution of the joint order of the day until to-morrow with an amendment, in which they respectfully request the concurrence of this house.

A motion was made by Mr. MAY that the house do now adjourn, it being a quarter to eight o'clock, and the question being put thereupon was determined in the negative.

On motion of Mr. BANKS the vote was recorded as follows:

AYES—Messrs. Wood, Toler, Whitworth, Hale, Seymour, Reynolds, Tayloe of King George, Fontaine, Lipscomb, Smith of Mason and Jackson, May and Dorman—12.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Cabell, M'Cue, Stuart, Lockridge,

Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Crafford, Roane, Powell, Marshall, Scott, Alderson, Payne, Howell, Wade of Franklin, Baker, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Wright, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger—120.

The amendment proposed by the senate was to strike out the words "*until to-morrow eleven o'clock*," and insert in lieu thereof the word "*indefinitely*."

The question being put thereupon was determined in the negative.

On motion of Mr. HUNTER the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Wood, Cabell, Burwell of Bedford, Mitchell, Thornburg, Fox, Wilson, Scott, Hale, Byrd, Butts, Allen of Hampshire, Seymour, Lee, Worthington, Kennedy, Wright, Fontaine, Caldwell, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Massie, Hudnall, M'Connell, Hiden, Tunstall, Carroll of Preston, Ratcliffe, Sturm, Walden, Smith of Rockingham, Shipman, Conn, Fitzhugh, Clarke of Surry, Prince, Goodson and Stanger—42.

NOES—Messrs. Bayly, Cropper, Carpenter, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Toler, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Whitworth, Crafford, Roane, Powell, Marshall, Alderson, Payne, Howell, Wade of Franklin, Baker, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Taylor of Halifax, Clark of Halifax, Gibson, White, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Smith of Mason and Jackson, Baskerville, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Fitzgerald, Aleshire, Staples, Hiner, May, Keen, Tallman, Michaux, Venable, Roberts, Heath, Robertson, Snyder, Leyburn, Dorman, Smith of Russell, Quillen, Bare, Griever, Ridley, Crutchfield, Spotts, Stephenson, Walker, and Jackson of Wood—92.

Ordered, That Mr. TUNSTALL inform the senate that this house disagree to their said amendment.

A message from the senate by Mr. BAPTIST:

MR. SPEAKER—The senate insist upon their amendment to the resolution for postponing the execution of the joint order of the day.

A motion was made by Mr. M'MILLAN that this house recede from their disagreement to said amendment; and the question being put thereupon, was determined in the affirmative.

On motion of Mr. GREGORY the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Carpenter, Wood, Cabell, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Fox, Broadus, Wilson, Powell, Marshall, Scott, Howell, Baker, King, Carroll of Grayson, Butts, Allen of Hampshire, White, Seymour, Lee, Armstrong, Worthington, Kennedy, Wright, Fontaine, Ewing, Caldwell, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Myers of Morgan, Massie, Watts, Etheridge, Hudnall, M'Connell, Hiden, Aleshire, Tunstall, Carroll of Preston, Heath, Ratcliffe, Sturm, Walden, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Goodson and Stanger—67.

NOES—Messrs. Cropper, M'Cue, Stuart, Meredith, Haskins, Kyle, Flood, Toler, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Whitworth, Crafford, Roane, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Guerrant, Erskine, Taylor of Halifax, Clark of Halifax, Gibson, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Smith of Mason and Jackson, Baskerville, Evans, Wade of Montgomery and Pulaski, Hodges, Allyn of Norfolk borough, Yerby, Fitzgerald, Staples, Hiner, Keen, Tallman, Michaux, Venable, Roberts, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Spotts, Stephenson, Walker, and Jackson of Wood—64.

The question recurred upon agreeing to the senate's amendment and was determined in the affirmative.

On motion of Mr. COLEMAN the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Carpenter, Wood, Cabell, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Fox, Broadus, Wilson, Powell, Marshall, Scott, Howell, Baker, King, Carroll of Grayson, Butts, Allen of Hamp-

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shire, White, Seymour, Lee, Armstrong, Worthington, Kennedy, Wright, Fontaine, Ewing, Caldwell, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Myers of Morgan, Massie, Hudnall, M'Connell, Hiden, Aleshire, Tunstall, Tallman, Carroll of Preston, Heath, Ratcliffe, Sturm, Walden, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Goodson and Stanger—67.

Noes—Messrs. Bayly, Cropper, M'Cue, Meredith, Haskins, Kyle, Flood, Toler, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Whitworth, Crafford, Roane, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Guerrant, Erskine, Taylor of Halifax, Clark of Halifax, Gibson, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Smith of Mason and Jackson, Baskerville, Evans, Wade of Montgomery and Pulaski, Hodges, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Fitzgerald, Staples, Hiner, Keen, Michaux, Venable, Roberts, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Spotts, Stephenson, Walker, and Jackson of Wood—65.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Evans the house adjourned.

SATURDAY, February 1, 1840.

A communication was received from the senate by their clerk:

IN SENATE, January 31, 1840.

The senate have passed the bills entitled

"An act changing the time of holding the circuit superior court of Jefferson county."

"An act concerning the purchase of lands by the overseers of the poor."

"An act to discontinue Hooe's ferry across the Potomac from his land to Cedar Point in Maryland."

"An act changing the time of holding the second quarterly term of the county court of Warren;" and

"An act concerning the reward for killing wolves in the counties of Loudoun and Fauquier."

On motion of Mr. Jackson *of Wood*, *Resolved*, That the board of principal assessors be requested to report to this house when they will be able to complete their labours and be ready to report the result thereof.

On motion of Mr. Alderson, *Resolved*, That the committee for courts of justice enquire into the expediency of amending the 21st section of the act passed the 10th of March 1832, entitled "an act concerning delinquent and forfeited lands and providing for the sale of lands returned delinquent hereafter for the nonpayment of taxes," so as to authorize the county courts to appoint commissioners to make deeds to the clerks of said courts when such clerks become purchasers of such lands, and that they report by bill or otherwise.

Mr. Allyn *of Norfolk* submitted the following resolution, which on motion of Mr. Venable was ordered to be laid upon the table:

Resolved, That the rules of this house relating to the appointment of standing committees be so amended as to provide for the appointment of a standing committee to consist of not less than nine nor more than thirteen members, to be entitled a committee on trade and mechanic arts.

A motion was made by Mr. Aleshire that the house adopt the following resolution:

Resolved, That the committee of roads and internal navigation enquire into the expediency of constructing a turnpike road on state account from New Market in Shenandoah county to Warrenton in Fauquier county.

And the question being put thereupon was determined in the negative.

Mr. Wilson from the committee on agriculture and manufactures presented several reports upon petitions of citizens of Louisa and Spottsylvania asking that a water course may be declared a lawful fence; and of citizens of the county of Rockbridge relative to a similar subject; and upon a resolution in relation to the inspection of tobacco.

And the following bill:

No. 171. A bill incorporating the Fallen creek manufacturing company.

Mr. May from the committee for courts of justice reported with a substitute the following bill:

No. 29. A bill to provide for a revision of the laws.

And presented the following bills:

No. 172. A bill concerning the lien of judgments and limiting proceedings against special bail in certain cases; and

No. 173. A bill authorizing the sergeant of the city of Williamsburg to appoint a deputy.

Mr. Wood presented sundry depositions to be used as evidence to sustain the petition of Fabius Lawson, which were referred to the committee for courts of justice.

Mr. Clarke *of Surry* presented a petition of citizens of the county of Surry praying the commonwealth to release her claim of $24 27 to Edward H. Womble of said county, which was referred to the committee of claims.

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Mr. ROBERTSON presented a petition of George M. Carrington and William Walker praying to be authorized to establish a ferry across James river from the city of Richmond to Manchester, which was referred to a committee of Messrs. Robertson, M'Rae, Cox, Michaux, Wilson, White, Coleman, May and Corbin.

Mr. ERSKINE presented a petition of citizens of the county of Greenbrier for the establishment of a separate election at the house of William A. Maston at the White Sulphur springs in said county, which was referred to the committee of propositions and grievances.

On motion of Mr. STEPHENSON the resolution for fixing the day for the election of a governor of this commonwealth, with the senate's amendment thereto, was taken up.

The resolution as it passed this house prescribed that the election should be made "*on Wednesday the fifth of February.*" The senate proposed to amend the same by striking out the words "*on Wednesday the fifth*" and inserting in lieu thereof the words "*on Saturday the first.*"

On motion of Mr. MAY the said amendment was amended by striking out the words "*on Saturday the first,*" and inserting in lieu thereof the words "*on Tuesday the eleventh,*" and as amended was agreed to by the house.

Ordered, That Mr. MAY inform the senate thereof and request their concurrence in the said amendment.

No. 94. An engrossed bill concerning the West Liberty academy in the county of Ohio was taken up on motion of Mr. M'CONNELL and read a third time; thereupon a motion was made by Mr. STEPHENSON that the farther consideration thereof be indefinitely postponed, and the same having been under discussion for some time, Mr. RATCLIFFE demanded the previous question, which being sustained by the house, the question was put upon the indefinite postponement of the bill and determined in the negative.

On motion of Mr. ARMSTRONG the vote was recorded as follows:

AYES—Messrs. Bayly, Carpenter, Lockridge, Hannah, Kyle, Flood, Coleman, Cardwell, Roane, Marshall, Howell, King, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Wright, Ewing, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Massie, Allyn of Norfolk borough, Watts, Aleshire, Carroll of Preston, Heath, Ratcliffe, Walden, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Jackson of Wood, and Stanger—45.

NOES—Messrs. Gilmer, (speaker,) Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Toler, Fox, Corbin, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Powell, Scott, Alderson, Payne, Hale, Wade of Franklin, Baker, Smith of Gloucester, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Seymour, Hamlett, Gregory, Worthington, Kennedy, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Ramey, Caldwell, Smith of Mason and Jackson, Baskerville, Goode, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Yerby, Hudnall, Fitzgerald, M'Connell, Hiden, Staples, Hiner, May, Tunstall, Keen, Tallman, Michaux, Venable, Roberts, Sturm, Robertson, Leyburn, Conn, Bare, Griever, Crutchfield, Stephenson, Goodson and Walker—79.

The same being under discussion, Mr. GREGORY demanded the previous question, which being sustained by the house, the question was put upon the passage of the said bill and was determined in the negative.

On motion of Mr. JACKSON *of Wood*, the ayes and noes thereupon were recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Hunter, M'Millan, Thornburg, Toler, Whitworth, Scott, Alderson, Payne, Baker, Byrd, Smith of Gloucester, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Fontaine, Lawson, Ramey, Caldwell, Smith of Mason and Jackson, Baskerville, Goode, Hodges, Hudnall, Fitzgerald, M'Connell, Hiner, May, Tallman, Michaux, Venable, Robertson, Leyburn, Stephenson, Goodson and Walker—49.

NOES—Messrs. Bayly, Carpenter, Wood, Cabell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Wilson, Crafford, Roane, Powell, Marshall, Howell, Hale, Wade of Franklin, King, Carroll of Grayson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Wright, Ewing, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hiden, Aleshire, Staples, Tunstall, Keen, Carroll of Preston, Roberts, Heath, Ratcliffe, Sturm, Walden, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Jackson of Wood, and Stanger—74.

Resolved, That the bill be rejected.

No. 14. An engrossed bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth and for collecting the public revenue was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. STEPHENSON, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so arranging the judicial circuits of the commonwealth as to apportion as near as may be the labours of the respective judges of said circuits.

No. 100. A bill to incorporate the Virginia axe company with the amendments thereto proposed by the committee on agriculture and manufactures was taken up, and the said amendments being agreed to, the said bill as amended was ordered to be engrossed.

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The speaker laid before the house a communication from the governor which was read as follows:

EXECUTIVE DEPARTMENT, FEBRUARY 1, 1840.

SIR,—I communicate for the information of the general assembly the resignation of brigadier-general Edward Watts of the 13th brigade.

Very respectfully, your ob't serv't,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

On motion of Mr. LEYBURN, *Ordered*, That the said communication be laid upon the table.

A message from the senate by Mr. M'MULLEN:

MR. SPEAKER—The senate agree to the amendment proposed by the house of delegates to the senate's amendment to the resolution for the election of a governor of the commonwealth.

No. 108. A bill to incorporate the Potomac and Alleghany coal and iron manufacturing company was taken up and ordered to be engrossed.

No. 80. A bill concerning flour barrels was on motion of Mr. BANKS ordered to be laid upon the table.

On motion of Mr. CONN the report of the committee of propositions and grievances upon the petition of citizens of the county of Hardy praying that a part thereof be added to the county of Shenandoah was taken up and ordered to be recommitted.

Mr. ROBERTSON presented the following bill:

No. 174. A bill to authorize George M. Carrington and William Walker to establish a ferry across James river at Richmond.

On motion of Mr. BARE, *Resolved*, That when this house adjourns to-day it will adjourn until Monday twelve o'clock.

On motion of Mr. BYRD the house adjourned.

MONDAY, FEBRUARY 3, 1840.

A communication was received from the senate by their clerk:

IN SENATE, FEBRUARY 1, 1840.

The senate have passed the bills entitled,

"An act to change the time of the meeting of the next general assembly."

"An act incorporating the Elizabeth and Parkersburg turnpike company."

"An act changing the time of holding the circuit superior court of Amherst county."

"An act to incorporate the Bradford coal mining company in the county of Goochland."

"An act to change the place of holding a separate election in the county of Franklin;" and

"An act to establish a company of cavalry in the county of Halifax."

They have also passed the bill, entitled,

"An act concerning the erection of wharves," with amendments, in which they request the concurrence of the house of delegates.

The said amendments were severally agreed to.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. CRUTCHFIELD the committee of roads and internal navigation was discharged from the consideration of the petition of sundry citizens of the county of Scott for an appropriation for the construction of a road through said county, and the petitioners were authorized to withdraw the same.

Mr. CRUTCHFIELD from the said committee presented a report upon the petition of the president and directors of the Salem and Pepper's ferry turnpike company, and of citizens of the county of Montgomery relative to a change of the location of the said ferry turnpike.

On motion of Mr. VENABLE a bill

No. 146. To amend the several acts concerning the banks was taken up and ordered to be made the order of the day for to-morrow.

Mr. WILSON announced that the committee on agriculture and manufactures had finished the business referred to it and had no farther use for a clerk, and he was ordered to be discharged from farther attendance.

Mr. CARPENTER presented a petition of Mary Jones praying to be divorced from her husband Israel Jones, which was referred to the committee for courts of justice.

Mr. LOCKRIDGE presented a petition of citizens of the county of Bath asking the repeal of the act relative to licenses for the sale of ardent spirits, which was referred to the committee of finance.

Mr. M'CUE presented a petition of citizens of the county of Augusta praying that a new regiment may be created out of the 32d and 93d regiments of militia, which was referred to the committee on the militia laws.

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Mr. ARMSTRONG presented a petition of citizens of the counties of Harrison, Lewis and Randolph for the formation of a new county out of parts of said counties, which was referred to the committee of propositions and grievances.

A communication was received from the governor transmitting "a preamble and resolutions of the council and general assembly of the state of New Jersey on the subject of the exclusion from their seats in the house of representatives of the United States of five of the persons duly commissioned as the representatives of the people of New Jersey in the twenty-sixth congress;" also a resolution of the legislature of the state of Vermont on the subject of the public lands.

On motion of Mr. SOUTHALL the said preamble and resolutions of the legislature of New Jersey were referred to a committee of Messrs. Southall, Ridley, Gregory, May, Scott, Goode, Clark of Halifax, Toler, Hodges, Butts, Lee, Chapman and Crutchfield.

On motion of Mr. VENABLE the said resolution of the legislature of Vermont was referred to the select committee on the subject of the public lands.

On motion of Mr. VENABLE the said communication from the governor and the documents enclosed were ordered to be printed. [Doc. No. 54.]

No. 111. A bill to convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock and for other purposes, was taken up on motion of Mr. BYRD, amended on motions severally made and as amended ordered to be recommitted.

Mr. ROBERTSON presented a letter from R. D. Sanxay proposing to publish a new edition of Hening's Justice, which was referred to the committee for courts of justice.

On motion of Mr. MAY the committee for courts of justice was discharged from the consideration of the documents referred to that committee on Saturday last, which were intended to be used as evidence to support the petition of Fabius Lawson, and the said documents were laid upon the table.

Mr. VENABLE from the committee on banks presented the following bill:

No. 175. A bill to amend the act, entitled "an act to establish the Bank of Kanawha."

On motion of Mr. GOODE the committee of schools and colleges was discharged from the consideration of the petitions of the trustees of the Lewisburg academy, of the trustees of Emory and Henry college, and of the trustees of the New London academy; and the said petitions were laid upon the table.

On motion of Mr. GOODE leave was granted the said committee to sit on to-morrow during the session of the house.

On motion of Mr. CHAPMAN, *Resolved*, That the committee of roads and internal navigation be requested to enquire into the expediency of reviving and amending an act, entitled "an act incorporating the Sweet and Blue Sulphur springs turnpike company," passed the 16th day of January 1838.

On motion of Mr. VENABLE, *Resolved*, That when this house adjourns to-day it will adjourn until to-morrow eleven o'clock.

On motion of Mr. STEPHENSON the house adjourned.

TUESDAY, FEBRUARY 4, 1840.

A communication from the senate by their clerk:

IN SENATE, FEBRUARY 3, 1840.

The senate have passed the bill, entitled,

"An act incorporating the town of Triadelphia in the county of Ohio," with amendments in which they request the concurrence of the house of delegates.

The said amendments were severally agreed to.

Ordered, That the clerk inform the senate thereof.

Mr. MAY from the committee for courts of justice presented several reports upon the petitions of Fabius Lawson and of Mary W. Lawson; of William Stout and of James Daniel.

Mr. SMITH *of Isle of Wight* presented a petition of citizens of Nansemond concerning the separate election at Dunford's in said county, which was referred to the committee of propositions and grievances.

A motion was made by Mr. CLAYTON that the house adopt the following resolution:

Resolved, That so much of the report of the Board of public works as relates to the existing difference of opinion between said board and the board of directors of the Fishing creek, Morgantown, Brandonville and State line road be referred to the committee of roads and internal navigation with instructions to examine the law in relation thereto and report thereupon.

And the question being put thereupon was determined in the negative.

On motion of Mr. RAMEY leave was granted to citizens of Monongalia county to withdraw their petition remonstrating against the formation of a new county out of parts of said county and the county of Harrison presented at the last session of the general assembly.

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Mr. RAMEY then presented the said petition and two other petitions of citizens of the same county remonstrating in like manner against the formation of the said new county.

Mr. TAYLOR *of Mathews and Middlesex* presented a petition of citizens of the county of Mathews praying certain alterations in the law prohibiting the catching of oysters, passed April 6th, 1839.

The said petitions were referred to the committee of propositions and grievances.

No. 174. A bill to authorize George M. Carrington and William Walker to establish a ferry across James river at Richmond was taken up on motion of Mr. ROBERTSON, read the first and second times, and ordered to be committed to the committee for courts of justice.

No. 15. A bill amending and reducing into one the several acts and parts of acts concerning the taxes on licenses to keepers of ordinaries and houses of private entertainment, to merchants, to vendue masters, to brokers, to venders of lottery tickets, to hawkers and pedlars, to exhibitors of public shows, on law process, on notarial seals and certain other subjects, was taken up on motion of Mr. DORMAN, read the second time, amended on motions severally made, and ordered to be engrossed.

Mr. CRUTCHFIELD from the committee of roads and internal navigation reported with amendment a bill

No. 111. To convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock and for other purposes.

Mr. STURM presented a petition of citizens of the county of Randolph praying that the Staunton and Parkersburg road may be made to pass through the towns of Beverley and Weston, which was referred to the committee of roads and internal navigation.

Mr. M'CUE presented a memorial of citizens of the county of Augusta remonstrating against the creation of a new regiment out of parts of the 32d and 93d regiments of militia, which was referred to the committee on the militia laws.

No. 80. A bill concerning flour barrels was taken up on motion of Mr. BANKS, read a second time, amended on motion of Mr. MAY, and as amended ordered to be engrossed.

No. 146. A bill to amend the several acts concerning the banks was taken up and read a second time.

The first section of the bill provides "that so much of any act as may subject the banks of this state incorporated by law to the forfeiture of their charters for failing or refusing to pay their notes and debts in specie, *and to the payment of any damages or interest exceeding six per cent. per annum for such failure*, shall be and the same is hereby *repealed;* and so much," &c.

A motion was made by Mr. SMITH *of Isle of Wight* to amend the said section by striking therefrom the words "*and to the payment of any damages or interest exceeding six per cent. per annum for such failure,*" and the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Haskins, Thornburg, Cox, Powell, Howell, King, Guerrant, Allen of Hampshire, Lee, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Aleshire, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Prince, Goodson and Stanger—39.

NOES—Messrs. Gilmer, (speaker,) Bayly, Wood, Cabell, M'Cue, Stuart, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, Erskine, Clark of Halifax, Gibson, White, Seymour, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Baskerville, Hodges, Massie, Watts, Yerby, Fitzgerald, Hiner, May, Keen, Tallman, Michaux, Venable, Roberts, Walden, Robertson, Dorman, Fitzhugh, Stephenson, and Jackson of Wood—63.

A motion was then made by Mr. SMITH *of Isle of Wight* to amend the said section by striking therefrom the word "*repealed*" and inserting in lieu thereof the words "*suspended until the first day of April* 1841," and the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, King, Guerrant, Lee, Smith of Isle of Wight, Wright, Fontaine, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Aleshire, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Prince, Goodson and Stanger—40.

NOES—Messrs. Wood, Cabell, M'Cue, Stuart, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Baker, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Baskerville, Hodges, Massie, Watts, Yerby, Hiner, May, Keen, Tallman, Michaux, Venable, Roberts, Walden, Robertson, Dorman, Stephenson, and Jackson of Wood—58.

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The third section of the bill provides "that every bank which shall avail itself of the provisions of this act shall make no dividend *exceeding six per cent. per annum*, unless it shall for one month previously thereto have *bona fide* resumed specie payments," &c.

A motion was made by Mr. SMITH *of Isle of Wight* to amend the said section by striking therefrom the words "*exceeding six per cent. per annum*," and the question being put thereupon was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Carpenter, Wood, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Thornburg, Corbin, Coleman, Burwell of Clarke and Warren, Whitworth, Roane, Powell, Howell, King, Guerrant, Clark of Halifax, Allen of Hampshire, White, Lee, Smith of Isle of Wight, Wright, Fontaine, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Yerby, Hudnall, Fitzgerald, Aleshire, Hiner, May, Michaux, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Prince, Stephenson, Goodson and Stanger—54.

NOES—Messrs. Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Flood, Toler, Fox, Cardwell, Cox, Broadus, Wilson, Crafford, Marshall, Scott, Payne, Hale, Wade of Franklin, Baker, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of Lancaster and Richmond, Lawson, Ramey, Harrison, Baskerville, Hodges, Massie, Watts, M'Connell, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, and Jackson of Wood—47.

A motion was then made by Mr. MAY to suspend the rule of the house for the purpose of reconsidering the said vote agreeing to strike out the words "*exceeding six per cent. per annum*," from the third section, and the question being put thereupon, was determined in the affirmative, and the said vote was reconsidered.

The question was again put upon striking from the said third section the words "*exceeding six per cent. per annum*," and the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, Wood, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Thornburg, Corbin, Burwell of Clarke and Warren, Whitworth, Roane, Powell, Howell, King, Guerrant, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lawson, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Yerby, Hudnall, Fitzgerald, Aleshire, Hiner, May, Michaux, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Prince, Stephenson, Goodson and Stanger—58.

NOES—Messrs. Southall, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Flood, Toler, Fox, Cardwell, Cox, Broadus, Wilson, Crafford, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Byrd, Carroll of Grayson, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Reynolds, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Caldwell, Baskerville, Hodges, Massie, Watts, M'Connell, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Fitzhugh, Spotts, Walker, and Jackson of Wood—58.

A motion was then made by Mr. SMITH *of Isle of Wight* further to amend the said bill by striking out the seventh section, and before the question was taken, on motion of Mr. JACKSON, the consideration of the said bill was postponed until to-morrow and made the order of the day.

Mr. FONTAINE presented a document to accompany the memorial of citizens of the county of King William remonstrating against the removal of their seat of justice. And a petition of other citizens of said county in favour of the removal of the seat of justice.

Mr. MAY presented sundry documents relative to the same subject.

The said petition and documents were referred to the committee of propositions and grievances.

On motion of Mr. GOODE the committee of schools and colleges was discharged from the consideration of so much of the petition and proceedings of a public meeting of the citizens of the county of Rockingham as asks an appropriation from the literary fund for the Rockingham academy, and the same was laid upon the table.

Mr. GOODE from the committee of schools and colleges presented the following bill:

No. 176. A bill incorporating the trustees of the Rockingham academy.

Mr. VENABLE from the committee on banks presented the following bill:

No. 177. A bill incorporating the Danville savings institution, society or bank.

On motion of Mr. VENABLE the house adjourned.

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WEDNESDAY, February 5, 1840.

A communication from the senate by their clerk:

IN SENATE, February 4, 1840.

The senate have passed the bill, entitled,

"An act incorporating the Salem savings institution, society or bank," with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read were severally agreed to.

Ordered, That the clerk inform the senate thereof.

Mr. Crutchfield from the committee of roads and internal navigation presented a report upon the resolution for constructing a road between Weston and Charleston; and the following bills:

No. 178. A bill incorporating the Dunlap creek turnpike company; and

No. 179. A bill providing more effectually for the opening and repairs of the public roads in the county of Loudoun.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented a report upon the petitions of citizens of the counties of Hardy and Shenandoah, praying that part of the county of Hardy may be added to the county of Shenandoah; and the following bills:

No. 180. A bill to incorporate the town of Point Pleasant in the county of Mason; and

No. 181. A bill to authorize two separate elections in the county of Prince George.

Mr. M'Rae presented a petition of Woodson Ford and others for an increase of the fees of constables; which was referred to the committee for courts of justice.

On motion of Mr. Myers *of Berkeley*, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of authorizing a survey to be made by the principal engineer of the state, or by some competent engineer designated by him, of the most suitable and practicable route for a road from Bunker's Hill in the county of Berkeley by White Hall and the Green Spring in the county of Frederick to the Northwestern turnpike road; what public advantage will probably result therefrom, and the probable cost of constructing the same.

Mr. Robertson from the committee to which was referred so much of the governor's message as relates to the subject of the public lands, presented a report and sundry resolutions thereupon.

Mr. Hodges presented a petition of citizens of the county of Nansemond for the passage of a law authorizing a more accurate delineation of the boundaries of the district for which Yeates' free schools have been established, which was referred to the committee of schools and colleges.

On motion of Mr. Ratcliffe, *Resolved*, That the committee for courts of justice be instructed to enquire into the propriety of giving to the courts of this commonwealth jurisdiction in all applications for a divorce *a vinculo matrimonii*.

Mr. Stephenson from the committee of claims presented a report upon the petition of Audley Paul.

Mr. May from the committee for courts of justice presented a report upon the resolution in relation to the meetings of overseers of the poor; and the following bill:

No. 182. A bill to amend the several acts concerning the solemnization of marriages.

On motion of Mr. Hannah, *Resolved*, That this house will proceed on Saturday the eighth instant, by joint vote with the senate, to the election of a brigadier general for the 13th brigade, to supply the vacancy occasioned by the resignation of general Edward Watts.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. Hannah presented a petition of citizens of the county of Botetourt asking to amend the charter of the Buchanan and Salem turnpike company, passed 13th April 1838, which was referred to the committee of roads and internal navigation.

On motion of Mr. Conn, *Ordered*, That leave be given to bring in a bill authorizing the second auditor to pay to the treasurers of the Woodstock, Strasburg and New Market academies, the proportion of the surplus literary fund allotted to these academies by the school commissioners of the county of Shenandoah, according to the provisions of the act of 1836, and that Messrs. Conn, Bare, Shipman, Smith *of Rockingham*, Aleshire, Hiner and Seymour bring in the same.

On motion of Mr. Reynolds, *Resolved*, That the committee on agriculture and manufactures be instructed to enquire into the expediency of amending the several acts regulating the inspection of salt in Kanawha county.

Mr. M'Coy presented a petition of citizens of the county of Augusta for the establishment of a separate election in the town of Greensville in said county, which was referred to the committee of propositions and grievances.

Mr. Erskine presented a petition of the officers of the 79th regiment of militia asking to be permitted to train within the bounds of said regiment, which was referred to the committee on the militia laws.

A motion was made by Mr. Toler, that 1000 copies of the report of the select committee on the subject of the public lands be printed, and the question being put thereupon was determined in the negative.

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On motion of Mr. VENABLE the vote thereon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Stuart, Toler, Fox, Broadus, Marshall, Alderson, Erskine, Gibson, Seymour, Gregory, Worthington, Reynolds, Smith of Mason and Jackson, Evans, Hodges, Watts, Yerby, Tunstall, Keen, Roberts, Walden, Robertson, Leyburn, Crutchfield, and Jackson of Wood—26.

NOES—Messrs. Southall, Carpenter, Wood, Cabell, M'Cue, Burwell of Bedford, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Thornburg, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Payne, Howell, Hale, Wade of Franklin, Byrd, King, Carroll of Grayson, Clark of Halifax, Allen of Hampshire, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Wright, Ewing, Lawson, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Hudnall, Fitzgerald, Aleshire, Hiner, May, Michaux, Venable, Heath, Ratcliffe, Sturm, Snyder, Dorman, Smith of Rockingham, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Prince, Stephenson, Goodson, Walker and Stanger—70.

On motion of Mr. TOLER 200 copies of the said report were ordered to be printed. [Doc. No. 66.]

No. 100. An engrossed bill to incorporate the Virginia axe company was read a third time, and the question being put upon its passing was determined in the affirmative.

On motion of Mr. RATCLIFFE the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, M'Millan, Kyle, Flood, Toler, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Baker, King, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Reynolds, Fontaine, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Caldwell, Smith of Mason and Jackson, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Watts, Hudnall, M'Connell, Hiner, May, Tunstall, Keen, Michaux, Venable, Roberts, Sturm, Walden, Robertson, Leyburn, Dorman, Smith of Rockingham, Shipman, Griever, Crutchfield, Fitzhugh, Spotts, Walker, and Jackson of Wood—82.

NOES—Messrs. Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Fox, Crafford, Howell, Guerrant, Lee, Armstrong, Wright, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Chapman, Yerby, Fitzgerald, Aleshire, Heath, Ratcliffe, Snyder, Smith of Russell, Quillen, Conn, Bare, Ridley, Prince, Stephenson, Goodson and Stanger—32.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

The speaker laid before the house a communication from the second auditor transmitting a communication from the secretary of the Chesapeake and Ohio canal company, containing the information desired by the house in relation to certain locks required to be constructed by said company by the act directing a subscription thereto on the part of this state; which on motion of Mr. RAMEY was laid upon the table and ordered to be printed. [Doc. No. 56.]

No. 146. A bill to amend the several acts concerning the banks, was taken up, and the amendment submitted by Mr. SMITH *of Isle of Wight*, and which was under consideration when the bill was postponed on yesterday, was withdrawn by him with the consent of the house; thereupon a further amendment was offered by him, by which the following section was proposed to be inserted after the seventh section, viz:

"*And be it further enacted*, That the holder of any notes of a bank of this commonwealth which has suspended, or which shall hereafter suspend specie payments, may present the same for payment at the bank where it was issued, and if payment thereof be refused, the cashier or other officer of the bank shall endorse thereon the date of such presentation and refusal of payment, and such note shall thereafter bear an interest of six per cent. per annum until paid. And if the cashier or other officer of any bank having suspended specie payments as aforesaid, shall refuse or fail to make the endorsement aforesaid, the holder of any note presented for payment as aforesaid, shall have the same remedy against the bank as if this act had never passed: *Provided*, That no note endorsed as aforesaid, shall carry interest longer than thirty days after the bank shall have *bona fide* resumed specie payment."

And the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the ayes and noes were recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Coleman, Cox, Burwell of Clarke and Warren, Powell, Howell, King, Guerrant, Carroll of Grayson, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Gregory, Wright, Fontaine, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Aleshire, Hiner, May, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Prince, Goodson and Stanger—51.

NOES—Messrs. Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Broadus, Wilson, Whitworth, Crafford, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Baker, Erskine, Clark of Halifax, Gibson, White, Seymour, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of King George, Tayloe of Lancaster and

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Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Baskerville, Hodges, Massie, Watts, Yerby, M'Connell, Tunstall, Keen, Tallman, Michaux, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Fitzhugh, Spotts, Stephenson, Walker, and Jackson of Wood—69.

A motion was made by Mr. GREGORY further to amend the said bill, and the same being under discussion, the said bill was postponed until to-morrow and made the order of the day.

The speaker laid before the house a communication from the governor, as president of the board of public works, transmitting the annual report of the Geologist of the state for the past year; which on motion of Mr. RATCLIFFE was laid upon the table.

On motion of Mr. GOODSON 1062 copies of the said report were ordered to be printed. [*See Report of Board of public works and documents.*]

On motion of Mr. SMITH *of Isle of Wight* the vote upon ordering the said printing was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Crafford, Marshall, Scott, Alderson, Payne, Howell, Wade of Franklin, Baker, Guerrant, Erskine, Gibson, Allen of Hampshire, White, Seymour, Lee, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Lipscomb, Caldwell, Smith of Mason and Jackson, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Watts, Yerby, Hudnall, M'Connell, Tunstall, Keen, Tallman, Venable, Roberts, Ratcliffe, Robertson, Snyder, Leyburn, Dorman, Smith of Russell, Conn, Crutchfield, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger—80.

NOES—Messrs. Lockridge, Myers of Berkeley, Haskins, Thornburg, Broadus, Whitworth, Powell, Hale, King, Carroll of Grayson, Clark of Halifax, Armstrong, Smith of Isle of Wight, Gregory, Wright, Ewing, Lawson, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Fitzgerald, Aleshire, Hiner, May, Michaux, Heath, Sturm, Walden, Smith of Rockingham, Shipman, Quillen, Ridley, Fitzhugh and Prince—37.

Mr. BYRD presented documents to support the claim of Peter Kremer, which were referred to the committee of claims.

Mr. ROBERTSON presented a petition of John Enders on behalf of the Richmond dock company, praying the protection of its interests in any grant of a ferry across James river at Richmond, which was referred to the committee for courts of justice.

Mr. GOODE from the committee of schools and colleges, presented the following bill:

No. 183. A bill incorporating the trustees of Bethany college.

On motion of Mr. LEE the house adjourned.

THURSDAY, FEBRUARY 6, 1840.

A communication from the senate by their clerk:

IN SENATE, FEBRUARY 5, 1840.

The senate have passed the bills, entitled,

"An act to amend the several acts concerning the Northwestern turnpike road;" and

"An act concerning the destruction of wild fowl in the counties of Accomack, Fairfax and Prince William," with amendments, in which they request the concurrence of the house of delegates.

The said first bill and amendments were on motion of Mr. CRUTCHFIELD ordered to be laid upon the table.

The amendments to the said second bill were severally agreed to.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. JACKSON *of Wood*, *Resolved*, That from and after Saturday next, the speaker shall vacate the chair at half past two o'clock, P. M., and resume it again at four P. M., on Mondays, Wednesdays and Fridays.

On motion of Mr. VENABLE, *Resolved*, That the committee of agriculture and manufactures be instructed to enquire into the propriety of reviving the act establishing the Hyco falls manufacturing company, passed 24th March 1837, and report by bill or otherwise.

On motion of Mr. SOUTHALL, *Ordered*, That the report of the Geologist, which was directed to be printed on yesterday, be printed in the octavo form.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented the following bills:

No. 184. A bill to revive the act, entitled "an act authorizing John Whitaker to erect a toll bridge across Peak creek in the county of Wythe."

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No. 185. A bill to revive the act, entitled "an act incorporating the Sweet and Blue sulphur springs turnpike company."

No. 186. A bill concerning the Newbern and Red sulphur springs turnpike company.

No. 187. A bill to amend the act, entitled "an act incorporating the Buchanan, Fincastle and Blacksburg turnpike company;" and

No. 188. A bill to amend an act passed February 3d, 1809, entitled "an act to incorporate a company to establish a turnpike from the town of Leesburg in Loudoun county to the Little river turnpike."

Mr. WATTS from the committee on the militia laws presented a report upon the petition of citizens of the county of Augusta praying that a new regiment may be created out of the thirty-second and ninety-third regiments.

Mr. MAY from the committee for courts of justice presented a report on the communication of R. D. Sanxay relative to a new edition of Hening's Justice; and the following bill:

No. 189. A bill to amend the act reducing into one the several acts concerning slaves, free negroes and mulattoes.

On motion of Mr. WATTS, *Ordered*, That the committee on the militia laws be discharged from the consideration of the petition of the officers of the 79th regiment, asking to train their officers within the bounds of said regiment, and that the same be laid upon the table.

Mr. CARDWELL presented a petition of citizens of the county of Charlotte remonstrating against the removal of the separate election from Fuqua's store in said county to James Lawson's, which was referred to the committee of propositions and grievances.

Mr. RATCLIFFE presented sundry papers relative to the claim of the heirs of Thomas Bullett deceased, which were referred to the committee of claims.

On motion of Mr. WORTHINGTON, *Resolved*, That the committee on banks enquire into the expediency of so amending the act passed March 22d, 1837 as to increase the number of directors at the branches of the banks of this commonwealth, and that said committee have leave to report by bill or otherwise.

No. 141. A bill extending the act authorizing the drawing of a lottery in the town of Fredericksburg, was taken up on motion of Mr. CRUTCHFIELD, read the first and second times, amended on his motion, and (by general consent,) ordered to be engrossed.

No. 131. A bill to increase and regulate the tolls on the Powhatan rail-road and the Tuckahoe and James river rail-road, was taken up on motion of Mr. ROBERTSON, read the first and second times, and ordered to be recommitted.

Mr. ROBERTSON presented the memorial of John Barr & Co. remonstrating against the said bill, which was referred to the committee of roads and internal navigation.

The speaker laid before the house a communication from the second auditor, transmitting statements respecting the debt and resources of the commonwealth, made in compliance with a resolution of the house of the 28th ultimo, which on motion of Mr. GIBSON was laid upon the table and ordered to be printed. [Doc. No. 52.]

The house according to the joint order of the day proceeded by joint vote with the senate to the election of a brigadier-general for the third brigade of militia, to supply the vacancy occasioned by the promotion of gen'l William F. Gordon; thereupon Mr. HODGES nominated colonel *Edward A. Cabell;* Mr. MASSIE nominated colonel *Alexander Brown*, and Mr. CHAPMAN nominated colonel *Thomas Jefferson Randolph*, and the senate having been informed thereof by Mr. HODGES, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Edward A. Cabell—Messrs. Gilmer, (speaker,) Cropper, Wood, Stuart, Cardwell, Crafford, Roane, Marshall, Scott, Wade of Franklin, Clark of Halifax, Hamlett, Worthington, Kennedy, Reynolds, Ewing, Beard, Caldwell, Smith of Mason and Jackson, Goode, Evans, Hodges, Watts, Yerby, Fitzgerald, M'Connell, Staples, Tunstall, Keen, Venable, Roberts, Ridley, Spotts, Stephenson, Goodson and Jackson of Wood—36.

For Alexander Brown—Messrs. M'Cue, Burwell of Bedford, Myers of Berkeley, M'Millan, Meredith, Kyle, Flood, Toler, Fox, Corbin, Coleman, Burwell of Clarke and Warren, Broadus, Whitworth, Alderson, Hale, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, M'Rae, Gregory, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Ramey, Harrison, Banks, Wade of Montgomery and Pulaski, Massie, Hudnall, May, Tallman, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Griever, Crutchfield, Walker and Stanger—43.

For Thomas J. Randolph—Messrs. Southall, Carpenter, Hannah, Haskins, Thornburg, Cox, Powell, Payne, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Orgain, Taylor of Mathews and Middlesex, Baskerville, Clayton, Chapman, Myers of Morgan, Aleshire, Hiner, Michaux, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare and Fitzhugh—39.

Ordered, That Messrs. Hodges, Massie, Chapman, Crutchfield, Watts, Walden, Crafford, Evans and Spotts be a committee to act jointly with a committee of the senate to ascertain the state of the joint vote.

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Mr. HODGES from the joint committee reported the joint vote to be for *Cabell* 36; for *Brown* 43; and for *Randolph* 39.

There being no election, and colonel *Cabell* having been dropped under the rule of the house, the vote was again recorded as follows:

For Colonel Brown—Messrs. Cropper, Wood, M'Cue, Stuart, Burwell of Bedford, Myers of Berkeley, M'Millan, Meredith, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Banks, Caldwell, Smith of Mason and Jackson, Evans, Wade of Montgomery and Pulaski, Hodges, Massie, Watts, Yerby, Hudnall, M'Connell, Staples, May, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Griever, Crutchfield, Spotts, Stephenson, Walker and Stanger—73.

For Colonel Randolph—Messrs. Gilmer, (speaker,) Southall, Carpenter, Hannah, Haskins, Thornburg, Cox, Powell, Payne, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Orgain, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Myers of Morgan, Fitzgerald, Aleshire, Hiner, Michaux, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Goodson, and Jackson of Wood—45.

Mr. HODGES from the joint committee reported the joint vote to be for colonel *Brown* 86; for colonel *Randolph* 60; thereupon colonel ALEXANDER BROWN was declared duly elected a brigadier-general of the third brigade of militia.

No. 146. A bill to amend the several acts concerning the banks, with the amendment submitted by Mr. GREGORY, which was under consideration on yesterday when the bill was postponed, was taken up.

The second section of the bill contained the following proviso: "*And provided*, That the amount of any note or debt due from any bank, with legal interest thereon, may be recovered *in any of the modes now authorized by law.*"

The amendment submitted by Mr. GREGORY proposed to strike out from the said proviso the words "*in any of the modes now authorized by law*," and to insert in lieu thereof the words "*by action of debt, or on the case, in any court having jurisdiction of the same, and not otherwise, until the said first day of January* 1841."

Mr. GOODE asked that the question be divided, and be put first upon striking out the words "*in any of the modes now authorized by law*," and being so put, was determined in the negative.

On motion of Mr. GOODE the vote was recorded as follows:

AYES—Messrs. Cropper, Southall, Carpenter, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Erskine, Seymour, Gregory, Worthington, Harrison, Caldwell, Evans, Massie, Yerby, M'Connell, Tunstall, Keen, Tallman, Robertson, Leyburn, Dorman, Smith of Russell, Stephenson, Goodson, Walker, and Jackson of Wood—46.

NOES—Messrs. Gilmer, (speaker,) Wood, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Broadus, Powell, Payne, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Clark of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Orgain, Banks, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Watts, Hudnall, Fitzgerald, Aleshire, Hiner, May, Michaux, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Walden, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Spotts and Stanger—68.

The house having refused to strike out, the second branch of the question necessarily failed.

The said bill was then amended on motions made by Mr. GOODE and Mr. SMITH *of Isle of Wight*.

The eighth section is the following:

"*And be it further enacted*, That the act entitled 'an act to stay the proceedings on executions and trust deeds and other demands in cases of refusal to receive bank notes,' passed the 22d June 1837, shall be and the same is hereby revived and re-enacted, and the same shall continue in full force and effect until the 1st day of April 1841: *Provided*, That nothing in the said act contained shall be construed to extend to any judgment or decree against any of the banks of this commonwealth."

A motion was made by Mr. SMITH *of Isle of Wight* to amend the said bill by striking out the said section, and the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, Haskins, Corbin, Cox, Burwell of Clarke and Warren, Roane, Powell, Guerrant, Carroll of Grayson, Allen of Hampshire, Armstrong, Smith of Isle of Wight, Gregory, Wright, Tayloe of King George, Fontaine, Ewing, Orgain, Taylor of Ma-

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thews and Midlesex, Baskerville, Goode, Clayton, Evans, Chapman, Myers of Morgan, Hudnall, Fitzgerald, Aleshire, Hiner, May, Tunstall, Michaux, Carroll of Preston, Heath, Ratcliffe, Snyder, Smith of Rockingham, Shipman, Quillen, Ridley, Walker and Stanger—45.

Noes—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Cardwell, Broadus, Wilson, Whitworth, Crafford, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, King, Erskine, Clark of Halifax, Gibson, Seymour, Lee, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of Lancaster and Richmond, Harrison, Banks, Caldwell, Smith of Mason and Jackson, Wade of Montgomery and Pulaski, Hodges, Watts, Yerby, Keen, Tallman, Venable, Roberts, Sturm, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, and Jackson of Wood—63.

A motion was then made by Mr. Smith *of Isle of Wight* to amend the said bill by inserting before the commencing clause the following section:

"*And be it further enacted*, That no bank which avails itself of the provisions of this act, shall hereafter issue any bond, post note, or other evidence of debt, unless the same be made payable on demand."

And the question being put thereupon was determined in the negative.

On motion of Mr. Smith *of Isle of Wight* the vote was recorded as follows:

Ayes—Messrs. Bayly, Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Fox, Corbin, Burwell of Clarke and Warren, Roane, Powell, Howell, King, Guerrant, Carroll of Grayson, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Gregory, Wright, Tayloe of King George, Fontaine, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Aleshire, Hiner, May, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Ridley, Stephenson, Goodson and Stanger—50.

Noes—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Cardwell, Cox, Broadus, Wilson, Whitworth, Crafford, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Erskine, Gibson, Seymour, M'Rae, Hamlett, Worthington, Reynolds, Tayloe of Lancaster and Richmond, Harrison, Caldwell, Smith of Mason and Jackson, Baskerville, Hodges, Yerby, Tunstall, Keen, Tallman, Michaux, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Spotts, Walker, and Jackson of Wood—54.

A motion was then made by Mr. Stephenson further to amend said bill; and

A motion was made by Mr. Gibson to amend the said amendment, and the last motion being under discussion,

On motion of Mr. Scott the house adjourned.

FRIDAY, February 7, 1840.

A communication from the senate by their clerk:

IN SENATE, February 6, 1840.

The senate have agreed to the resolution for electing a brigadier general for the thirteenth brigade.

On motion of Mr. Lee, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of so amending the laws now in force in relation to constables as to make it imperative upon the several county courts to lay off their respective counties into convenient precincts, and to prevent evasions of the law in that respect, and that they have leave to report by bill or otherwise.

Mr. Lee presented a petition of citizens of the county of Harrison asking an amendment to the laws respecting the collection of taxes and the disbursement of moneys for county purposes, which was referred to the committee of finance.

On motion of Mr. Spotts, *Resolved*, That the committee for courts of justice enquire into the expediency of altering or amending the law in relation to the liabilities of constables and their securities in their official bonds, and that they report by bill or otherwise.

Mr. Goode from the committee of schools and colleges presented the following bill:

No. 190. A bill for the support and education of poor girls within this commonwealth.

Mr. Crutchfield from the committee of roads and internal navigation presented a report upon the resolution relative to the discontinuing certain roads; and the following bills:

No. 191. A bill incorporating the Macon's mill and Cold Harbour turnpike company; and

No. 192. A bill concerning the Baltimore and Ohio rail-road company.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented the following bills:

No. 193. A bill appointing trustees for the town of New Market in the county of Shenandoah and prescribing their powers and duties; and

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No. 194. A bill to regulate the exercise of the right of suffrage in elections of trustees for the town of Portsmouth.

Mr. CONN, according to order, presented the following bill:

No. 195. A bill providing for the payment to the Woodstock, Strasburg and New Market academies in the county of Shenandoah, the proportion of the surplus literary fund allotted to those academies by the school commissioners of the county.

Mr. ARMSTRONG, according to order, presented the following bill:

No. 196. A bill to incorporate the town of Williamsport in the county of Harrison.

Mr. WATTS announced to the house that the committee on the militia laws having finished the business before them had no farther use for their clerk, and he was ordered to be discharged from further attendance on said committee.

Mr. CARROLL *of Preston* presented a petition of citizens of the county of Preston asking the reduction of the tax paid on licenses to brass clock pedlars, which was referred to the committee of finance.

Mr. ARMSTRONG presented a petition of citizens of the county of Harrison for the establishment of a separate election at the house of Jesse Hall in said county.

Also a document to accompany the application for the formation of a new county out of parts of the counties of Harrison, Lewis and Randolph.

The said petition and document were referred to the committee of propositions and grievances.

No. 141. An engrossed bill extending the act authorizing the drawing of a lottery in the town of Fredericksburg, was taken up on motion of Mr. CRUTCHFIELD, read a third time and passed.

Ordered, That Mr. CRUTCHFIELD carry the same to the senate and request their concurrence.

No. 146. A bill to amend the several acts concerning the banks, with the amendments under consideration when the house adjourned on yesterday, was taken up on motion of Mr. VENABLE, and the said amendments having been withdrawn by the movers with the consent of the house,

A motion was made by Mr. STEPHENSON to amend the said bill by inserting before the commencing clause the following section:

"*Be it further enacted*, That it shall not be lawful for any bank to discount any note or bill made or drawn by any director thereof and endorsed or accepted by any other director at the same board, and which may have been made to be discounted for the accommodation of either of them, or for any other person whatever; but every such bill or note, if discounted, shall nevertheless be binding on the parties."

And the question being put thereupon was determined in the affirmative.

On motion of Mr. STEPHENSON the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Howell, Wade of Franklin, Baker, King, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Gregory, Worthington, Wright, Fontaine, Ewing, Lawson, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Watts, Yerby, Hudnall, Fitzgerald, M'Connell, Hiner, May, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Ridley, Spotts, Stephenson and Stanger—82.

NOES—Messrs. Toler, Fox, Broadus, Alderson, Payne, Hale, Byrd, Gibson, Seymour, M'Rae, Hamlett, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Baskerville, Hodges, Massie, Aleshire, Tunstall, Keen, Tallman, Roberts, Robertson, Fitzhugh, Goodson and Walker—31.

A motion was then made by Mr. SMITH *of Isle of Wight* to amend the said bill by adding thereto the following section:

"*And be it further enacted*, That no bill of exchange, draft, or other evidence of debt shall be discounted by any bank which shall avail itself of the provisions of this act, unless the payer be a resident and carrying on business in this state."

And the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Smith of Isle of Wight, Gregory, Wright, Fontaine, Taylor of Mathews and Middlesex, Ratcliffe, Walden and Ridley—8.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of Lan-

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caster and Richmond, Ewing, Lawson, Ramey, Harrison, Orgain, Banks, Caldwell, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Watts, Yerby, Hudnall, Fitzgerald, M'Connell, Aleshire, Hiner, May, Tunstall, Keen, Michaux, Venable, Roberts, Heath, Sturm, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Walker, Jackson of Wood, and Stanger—107.

The said bill as amended was ordered to be engrossed.

On motion of Mr. MAY, leave was granted to the committee for courts of justice to sit during the session of the house on to-morrow.

Mr. MAY from the committee for courts of justice presented reports upon the petition of Mary Jones for a divorce, and upon the resolution concerning the delivery of free papers.

Mr. WILSON from the committee on agriculture and manufactures presented the following bill:

No. 197. A bill to revive the act incorporating the Hyco Falls manufacturing company.

On motion of Mr. POWELL, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of providing by law that the commissions which may be allowed to any commissioner acting under the decree of any court of chancery for the sale of property shall not exceed the amount which would be allowed to the sheriff for the same service; and that where the person who makes the sale shall not collect the amount of the sales, only one half of the said commissions shall be allowed, and that they report by bill or otherwise.

On motion of Mr. WALDEN, *Resolved*, That the committee for courts of justice be required to examine into the necessity of providing by law that trustees shall give security for the faithful execution of their duties when so required by any creditor or creditors of any person or persons creating any trustee or trustees, and that they report by bill or otherwise.

Mr. MASSIE presented a petition of Richard Storms, asking to be authorized to erect a dam across Tye river, which was referred to the committee of roads and internal navigation.

The following engrossed bills were read a third time and passed:

No. 108. A bill to incorporate the Potomac and Alleghany coal and iron manufacturing company.

No. 15. A bill amending and reducing into one act the several acts and parts of acts concerning the taxes on licenses to keepers of ordinaries and houses of private entertainment, to merchants, to vendue masters, to brokers, to venders of lottery tickets, to hawkers and pedlars, to exhibitors of public shows, on law process, on notarial seals and certain other subjects; and

No. 80. A bill concerning flour barrels.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 29. A bill to establish a company of light infantry in the city of Richmond, with the substitute therefor submitted by the committee on the militia laws, was taken up on motion of Mr. M'RAE, and the said substitute being adopted, the said bill as amended was ordered to be engrossed.

No. 29. A bill to provide for a revision of the laws; and

No. 111. A bill to convert the loan of $ 150,000 to the Winchester and Potomac rail-road company into stock and for other purposes, were on motions severally made ordered to be laid upon the table.

No. 82. A bill charging real assets with the payment of simple contract debts and declaring the mode of administering the same, was read a second time, and on motion of Mr. MAY ordered to be committed.

No. 86. A bill concerning the arrest of poor debtors was read a second time, and a motion was made by Mr. CALDWELL to amend the same; thereupon on motion of Mr. MAY the further consideration thereof was indefinitely postponed.

On motion of Mr. RATCLIFFE the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Carpenter, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Alderson, Payne, Howell, Wade of Franklin, Baker, King, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Ewing, Lawson, Harrison, Caldwell, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Watts, Yerby, Hudnall, M'Connell, Hiner, May, Keen, Michaux, Roberts, Heath, Sturm, Robertson, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Quillen, Bare, Fitzhugh, Spotts, Stephenson, Goodson, Jackson of Wood, and Stanger—80.

NOES—Messrs. Coleman, Butts, Worthington, Fontaine, Banks, Aleshire, Ratcliffe and Walden—8.

Resolved, That said bill be rejected.

No. 95. A bill to prohibit betting upon elections was read a second time; thereupon a motion was made by Mr. GREGORY that the farther consideration of the said bill be indefinitely postponed, and the question being put thereupon was determined in the negative.

On motion of Mr. BANKS the vote was recorded as follows:

AYES—Messrs. Carpenter, Mitchell, Myers of Berkeley, M'Millan, Haskins, Flood, Toler, Corbin, Cole-

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man, Cardwell, Wilson, Whitworth, Roane, Powell, Alderson, Payne, Carroll of Grayson, Butts, Clark of Halifax, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Tayloe of Lancaster and Richmond, Ewing, Ramey, Harrison, Lipscomb, Orgain, Taylor of Mathews and Middlesex, Baskerville, Goode, Watts, Aleshire, Hiner, Carroll of Preston, Roberts, Heath, Robertson, Smith of Rockingham, Shipman, Smith of Russell, Conn, Fitzhugh, Stephenson and Goodson—46.

Noes—Messrs. Gilmer, (speaker,) Bayly, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Hannah, Jackson of Braxton and Lewis, Kyle, Thornburg, Fox, Cox, Burwell of Clarke and Warren, Broadus, Crafford, Marshall, Howell, Wade of Franklin, Baker, Byrd, King, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Kennedy, Reynolds, Wright, Fontaine, Lawson, Banks, Caldwell, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Yerby, Hudnall, Fitzgerald, M'Connell, Staples, May, Keen, Tallman, Michaux, Venable, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Dorman, Quillen, Crutchfield, Walker, Jackson of Wood, and Stanger—64.

The said bill was then amended on motion of Mr. Smith *of Isle of Wight.*

A motion was then made by Mr. Powell to amend the same by inserting before the commencing clause the following section:

"*Be it further enacted*, That all bets won *on elections* shall be recoverable by action of debt or trespass on the case, in any court of record in this commonwealth, any law or usage to the contrary notwithstanding; and it shall be the duty of judges and commonwealth's attorneys to give this act in charge to the grand juries."

A motion was made by Mr. May to amend the said amendment by striking therefrom the words "*on elections.*"

A motion was then made by Mr. Carroll *of Preston* that the farther consideration of the said bill and proposed amendments be indefinitely postponed, and the question being put thereupon was determined in the negative.

On motion of Mr. Byrd the vote was recorded as follows:

Ayes—Messrs. Carpenter, Mitchell, Haskins, Toler, Corbin, Coleman, Cardwell, Wilson, Crafford, Powell, Alderson, Payne, Butts, Clark of Halifax, Gregory, Worthington, Ramey, Harrison, Lipscomb, Orgain, Taylor of Mathews and Middlesex, Baskerville, Goode, Watts, Aleshire, Hiner, Tunstall, Carroll of Preston, Heath, Sturm, Smith of Rockingham, Shipman, Smith of Russell, Conn, Fitzhugh, Stephenson, and Jackson of Wood—37.

Noes—Messrs. Gilmer, (speaker,) Bayly, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Kyle, Flood, Thornburg, Fox, Cox, Burwell of Clarke and Warren, Broadus, Whitworth, Roane, Marshall, Howell, Wade of Franklin, Baker, Byrd, King, Carroll of Grayson, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Kennedy, Reynolds, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Banks, Caldwell, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Yerby, Hudnall, Fitzgerald, M'Connell, May, Keen, Tallman, Michaux, Venable, Roberts, Walden, Snyder, Leyburn, Dorman, Quillen, Crutchfield, Spotts, Walker and Stanger—67.

Mr. May with the leave of the house withdrew his amendment to the said amendment; the question then recurred upon the adoption of the said amendment submitted by Mr. Powell, and was determined in the negative.

On motion of Mr. Armstrong the vote was recorded as follows:

Ayes—Messrs. Carpenter, Powell, Butts, Hamlett, Gregory and Lipscomb—6.

Noes—Messrs. Gilmer, (speaker,) Bayly, Wood, M'Cue, Stuart, Lockridge, Burwell of Bedford, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Whitworth, Crafford, Roane, Marshall, Alderson, Payne, Howell, Wade of Franklin, Baker, Byrd, King, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Ramey, Harrison, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Yerby, Hudnall, Fitzgerald, M'Connell, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Crutchfield, Fitzhugh, Stephenson, Goodson, Walker and Stanger—98.

The said bill was then ordered to be engrossed.

On motion of Mr. Taylor *of Mathews and Middlesex* the house adjourned.

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SATURDAY, FEBRUARY 8, 1840.

A communication from the senate by their clerk:

IN SENATE, FEBRUARY 7, 1840.

The senate have passed the bills, entitled,

"An act to incorporate the Exchange hotel company in the city of Richmond," and

"An act extending the act authorizing the drawing of a lottery in the town of Fredericksburg."

They have also passed the bill, entitled,

"An act concerning the duty of executors and administrators and wills of personal estate," with amendments, in which they request the concurrence of the house of delegates.

The said bill and amendments were on motion of Mr. SMITH *of Isle of Wight* ordered to be laid upon the table.

On motion of Mr. LAWSON, *Ordered*, That leave be given to withdraw the petition of Edward Chapman presented to the last general assembly; thereupon the said petition was again presented by him, praying for the remission of a fine, and it was referred to the committee for courts of justice.

Mr. BYRD presented sundry documents in support of the bill to change the charter of the town of Winchester, which on his motion were laid upon the table.

On motion of Mr. CABELL, *Resolved*, That the committee of agriculture and manufactures be instructed to enquire into the expediency of increasing the capital stock of the Harris's creek manufacturing company in the county of Amherst, incorporated by an act of the general assembly, passed on the day of 183 ; and that said committee also enquire into the expediency of adding to the number of the directors of said company.

On motion of Mr. ROBERTSON, *Resolved*, That the committee for courts of justice enquire into the expediency of amending the act to reduce into one the several acts concerning coroners, passed January 13, 1819, so as to provide more effectually for the burial of the bodies of persons found dead or slain after an inquest has been held upon the same.

On motion of Mr. ARMSTRONG, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of passing a special law for the regulation of public roads in the county of Harrison, and that they have leave to report by bill or otherwise.

On motion of Mr. JACKSON *of Wood*, the committee for courts of justice was discharged from the consideration of the resolution relative to amending the several acts for unlading ballast; and the said resolution was referred to the committee of roads and internal navigation.

On motion of Mr. JACKSON *of Wood*, *Resolved*, That a select committee be appointed to enquire into the expediency of causing the journals and documents of this house to be printed in octavo form; also that the same committee enquire into the expediency of causing to be prepared a general index to the journals of the house from 1776 down to 1833.

And a committee was appointed of Messrs. Jackson *of Wood*, Robertson, Southall, Gregory, Byrd, Worthington, Banks and Fitzgerald.

Mr. BAYLY from the select committee to whom was referred so much of the governor's message as relates to the demand upon the executive of New York for the surrender of certain fugitives from justice, presented a report, which, on his motion, was laid upon the table and ordered to be printed. [Doc. No. 57.]

Mr. STEPHENSON from the committee of claims presented sundry reports upon the petition of Richard S. Rew; and upon the resolution concerning the heirs of colonel Thomas Bullett; and the following bill:

No. 198. A bill concerning Peter Kremer.

Mr. CRUTCHFIELD from the committee of roads and internal navigation presented a report upon the resolution relative to the survey from Bunker's Hill in Berkeley county to the Northwestern turnpike; and the following bills:

No. 199. A bill directing the suspension of surveys; and

No. 200. A bill to amend the act, entitled "an act to provide for the construction of a road from Ice's ferry on Cheat river to the Pennsylvania line."

Mr. TAYLOE *of Richmond and Lancaster* presented a petition of citizens of the county of Richmond praying that William Balderson be authorized to solemnize the rites of matrimony in said county, which was referred to the committee for courts of justice.

Mr. WALKER presented a petition of citizens of the county of Westmoreland for a revision of the law in relation to the glebe funds and the primary school system.

Mr. SOUTHALL a petition of the Jefferson and Washington societies of the University of Virginia asking for acts of incorporation.

The said petitions were referred to the committee of schools and colleges.

No. 78. A bill to establish a board of agriculture was taken up on motion of Mr. SOUTHALL, read a second time, and the question being put upon ordering the same to be engrossed was determined in the affirmative.

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On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Myers of Berkeley, M'Millan, Kyle, Flood, Fox, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Alderson, Wade of Franklin, Baker, Byrd, Erskine, Clark of Halifax, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Ramey, Harrison, Caldwell, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Evans, Chapman, Massie, Watts, Yerby, Hudnall, Fitzgerald, M'Connell, Keen, Tallman, Venable, Roberts, Robertson, Leyburn, Dorman, Crutchfield, Spotts, Stephenson, Walker, and Jackson of Wood—67.

NOES—Messrs. Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Toler, Powell, Howell, Hale, King, Carroll of Grayson, Butts, Gibson, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Lipscomb, Orgain, Banks, Wade of Montgomery and Pulaski, Myers of Morgan, Aleshire, Michaux, Carroll of Preston, Heath, Ratcliffe, Sturm, Walden, Snyder, Smith of Rockingham, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh and Goodson—38.

No. 54. An engrossed bill to establish a company of light infantry in the city of Richmond was read a third time and passed, and the title was amended by adding thereto the words "*and for other purposes.*"

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 146. An engrossed bill to amend the several acts concerning the banks, was read a third time and passed.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Alderson, Hale, Wade of Franklin, Baker, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of Lancaster and Richmond, Ewing, Lawson, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Baskerville, Evans, Wade of Montgomery and Pulaski, Hodges, Massie, Watts, Yerby, M'Connell, Hiner, Tunstall, Keen, Michaux, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Griever, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson and Walker—70.

NOES—Messrs. Bayly, Carpenter, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Cox, Powell, Howell, King, Carroll of Grayson, Butts, Lee, Armstrong, Smith of Isle of Wight, Gregory, Wright, Fontaine, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare and Ridley—41.

Ordered, That Mr. ROBERTSON carry the same to the senate and request their concurrence.

The house according to the joint order of the day proceeded by joint vote with the senate to the election of a brigadier-general for the thirteenth brigade to supply the vacancy occasioned by the resignation of general Edward Watts; thereupon Mr. LEYBURN nominated colonel *Charles P. Dorman;* and the senate having been informed thereof by Mr. Leyburn, and no person being added to the nomination in that house the vote was taken and recorded as follows:

For Charles P. Dorman—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Ramey, Harrison, Lipscomb, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Watts, Yerby, Hudnall, Fitzgerald, M'Connell, Hiden, Hiner, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Smith of Russell, Quillen, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Spotts, Stephenson, Goodson, Walker, and Jackson of Wood—114.

Ordered, That Messrs. Leyburn, Erskine, Carpenter, Alderson, Chapman, Taylor of Mathews and Middlesex, Wright, Quillen, Myers of Morgan, M'Cue and Gregory be a committee to act jointly with a committee from the senate to ascertain the joint vote.

Mr. LEYBURN from the joint committee reported the joint vote to be for *Charles P. Dorman* 134; scattering 6; thereupon CHARLES P. DORMAN was declared duly elected a brigadier-general for the thirteenth brigade of militia.

No. 95. An engrossed bill to prohibit betting on elections was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

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No. 96. A bill to amend the several acts concerning ferries was read a second time, amended on motions severally made, and as amended ordered to be engrossed.

No. 97. A bill concerning lotteries was read a second time, and ordered to be committed on motion of Mr. MAY.

No. 99. A bill amending the laws concerning attachments against absent defendants, was on motion of Mr. SOUTHALL ordered to be laid upon the table.

The following bills were read a second time and ordered to be engrossed:

No. 101. A bill to increase the stock of the Dover coal mining company, and to grant them manufacturing privileges.

No. 102. A bill to amend an act, entitled "an act concerning the Valley turnpike company."

No. 103. A bill to amend an act, entitled "an act declaring Simpson's creek a public highway."

No. 104. A bill amending the laws in relation to the course of descents; and

No. 106. A bill concerning the draining of lands.

No. 105. A bill changing the time of holding the spring term of the circuit superior court for the 21st district for the trial of criminal causes, was on motion of Mr. MAY ordered to be laid upon the table.

On motion of Mr. SMITH *of Russell* the house adjourned.

MONDAY, FEBRUARY 10, 1840.

On motion of Mr. DORMAN, *Resolved*, That the committee of finance enquire what compensation (if any) the first auditor is entitled to, for extra services in compiling and preparing for this general assembly the various acts of assembly in relation to the revenue laws, and concerning taxes on licenses to ordinaries, and other subjects, and that said committee have leave to report by bill or otherwise.

On motion of Mr. LEE, *Resolved*, That the committee for courts of justice enquire into the expediency of providing by law for change of the venue in cases of forcible and unlawful entry and unlawful detainer, and that they have leave to report by bill or otherwise.

On motion of Mr. BURWELL *of Bedford*, *Ordered*, That leave be given to bring in a bill to amend the charter of the Bedford savings bank at Liberty, and that Messrs. Burwell of Bedford, Mitchell, Hale, Wade, Staples, Hamlett, Tunstall, Fox and Cabell, prepare the same.

On motion of Mr. SPOTTS, *Resolved*, That the committee of propositions and grievances be instructed to enquire into the expediency of incorporating the town of Jeffersonville in the county of Tazewell, and that they have leave to report by bill or otherwise.

On motion of Mr. RATCLIFFE, *Resolved*, That the committee for courts of justice be instructed to enquire into the propriety of so amending the law in relation to *ca. sas.* founded on judgments rendered by justices of the peace, as to require the sheriff, when any person is taken upon such process who is not able to discharge the same, to carry him or her (if it should be desired) before some justice of the peace of his said county, whose duty it shall be to administer the oath of insolvent debtors to such person, upon his or her furnishing to said justice such schedule of property as is at present required by law, the said schedule to be returned by said justice to the clerk's office of his said county, and to be regulated as heretofore by the law: *Provided, however*, That in all cases, the plaintiff or his attorney (if resident in said county) shall have notice that said oath will be administered.

Mr. REYNOLDS, according to order, presented the following bill:

No. 201. A bill to incorporate the town of Terra Salis in the county of Kanawha.

Mr. SEYMOUR from the committee of roads and internal navigation presented a report upon the resolution for making a road from Newbern to the Tennessee line; and the following bill:

No. 202. A bill concerning the New Shenandoah company.

And reported without amendment the bill

No. 131. To increase and regulate the tolls on the Powhatan rail-road, and the Tuckahoe and James river rail-road.

Mr. WILSON from the committee of agriculture and manufactures presented the following bill:

No. 203. A bill changing the mode of appointing inspectors of salt in the county of Kanawha.

Mr. GOODE from the committee of schools and colleges presented a report upon the resolution for paying to the school commissioners west of the Blue Ridge the proceeds of sales of lands.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented a report upon the memorial of Mrs. Abigail Mayo; and reported without amendment the following bill:

No. 83. A bill providing for the removal of the seat of justice for the county of King William.

Mr. VENABLE from the committtee on banks presented the following bill:

No. 204. A bill to authorize the Bank of Virginia to establish an agency in the town of Scottsville.

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On motion of SEYMOUR, the committee of roads and internal navigation was discharged from the consideration of the petition of John Barr & Co., and the same was laid upon the table.

Mr. WALKER presented a petition of William J. Courtney, praying the passage of a law to regulate the rates of wharfage on a wharf built by him at Kinsale in the county of Westmoreland.

Mr. ROBERTS a petition of citizens of the county of Princess Anne for the establishment of a separate election at Creed's bridge in said county.

The said petitions were referred to the committee of propositions and grievances.

Mr. ARMSTRONG presented a petition of citizens of the counties of Harrison and Monongalia, praying that a bridge may be erected across Three fork creek in the county of Harrison on the line of the Northwestern road.

Mr. BURWELL *of Clarke and Warren* presented a petition of citizens of the town of Front Royal asking the passage of an act exempting the citizens of the town from the duty of labouring on the public roads beyond the limits of the corporation.

The said petitions were referred to the committee of roads and internal navigation.

Mr. WORTHINGTON presented a petition of citizens of the county of Jefferson for the establishment of a public depot on the line of the Baltimore and Ohio rail-road at or near Old Furnace in said county, which was ordered to be laid upon the table.

Mr. LEE presented a petition of citizens of the county of Harrison asking for the establishment of a savings institution in said county, which was referred to the committee on banks.

Mr. GREGORY presented the annual report of the court of directors of the lunatic asylum at Williamsburg, which was ordered to be laid upon the table and printed. [Doc. No. 58.]

No. 37. A bill, entitled "an act to amend the several acts concerning the Northwestern turnpike road," with the amendments thereto proposed by the senate, was taken up on motion of Mr. CRUTCHFIELD and ordered to be committed to the committee of roads and internal navigation.

No. 136. A bill to incorporate the Western Virginia silk and agricultural company, was taken up on motion of Mr. M'CONNELL, read the first and second times and (by general consent) ordered to be engrossed.

No. 78. An engrossed bill to establish a board of agriculture was read a third time, and the question being put upon its passage was determined in the affirmative.

On motion of Mr. ARMSTRONG the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Mitchell, Myers of Berkeley, Hannah, M'Millan, Flood, Fox, Cardwell, Burwell of Clarke and Warren, Wilson, Crafford, Roane, Marshall, Alderson, Payne, Baker, Byrd, Guerrant, Erskine, Clark of Halifax, Seymour, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Ramey, Caldwell, Taylor of Mathews and Middlesex, Baskerville, Goode, Chapman, Wade of Montgomery and Pulaski, Hodges, Massie, Allyn of Norfolk borough, Watts, Hudnall, Fitzgerald, M'Connell, Hiden, Hiner, Keen, Tallman, Michaux, Venable, Roberts, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Clarke of Surry, Walker, and Jackson of Wood—65.

NOES—Messrs. Cropper, Carpenter, Burwell of Bedford, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Thornburg, Toler, Broadus, Powell, Howell, Hale, Wade of Franklin, King, Butts, Gibson, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Gregory, Wright, Beard, Harrison, Orgain, Banks, Smith of Mason and Jackson, Clayton, Myers of Morgan, Yerby, Aleshire, Tunstall, Carroll of Preston, Heath, Ratcliffe, Sturm, Walden, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Spotts, Stephenson, Goodson and Stanger—61.

The following engrossed bills were also read a third time and passed:

No. 101. A bill to increase the stock of the Dover coal mining company, and to grant them manufacturing privileges;

No. 102. A bill to amend an act, entitled "an act concerning the Valley turnpike company."

No. 103. A bill to amend an act, entitled "an act declaring Simpson's creek a public highway."

No. 104. A bill amending the laws in relation to the course of descents; and

No. 106. A bill concerning the draining of lands.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 96. An engrossed bill to amend the several acts concerning ferries, was on motion of Mr. TAYLOR *of Mathews and Middlesex*, ordered to be laid upon the table.

No. 107. A bill fixing the site for the seat of justice for the county of Pulaski, was read a second time and on motion of Mr. CHAPMAN ordered to be committed.

The following bills were read a second time and ordered to be engrossed:

No. 109. A bill authorizing an increase of the capital stock of the Rappahannock company.

No. 110. A bill incorporating the Carnifix ferry bridge company.

No. 114. A bill to amend the act entitled "an act to incorporate the trustees of the Halifax academy."

No. 115. A bill to amend an act, entitled "an act incorporating the trustees of the Union academy of Campbell; and

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No. 116. A bill incorporating the trustees of the Concord female seminary.

No. 112. A bill incorporating the Lewisburg savings institution, society or bank, was read a second time, and on motion of Mr. ERSKINE ordered to be committed.

A report of the committee for courts of justice rejecting the petition of Henry D. Warwick for a divorce, was on motion Mr. WOOD ordered to be laid upon the table.

No. 83. A bill providing for the removal of the seat of justice for the county of King William, was taken up; thereupon a substitute therefor was submitted by Mr. TAYLOR *of Mathews and Middlesex*, and on motion of Mr. GREGORY the said bill and substitute were laid upon the table.

No. 118. A bill incorporating the Mercantile library association of Richmond, was read the first and second times on motion of Mr. ROBERTSON, and ordered to be committed to the committee on the library.

No. 119. A bill concerning the water works of the city of Richmond, was read the first and second times and ordered to be committed.

The following bills were read the first and ordered to be read a second time:

No. 117. A bill incorporating the Wellsburg Jefferson seminary.

No. 120. A bill concerning western land titles.

No. 121. A bill increasing the reward for apprehending runaways in certain cases.

No. 122. A bill to incorporate the Hot springs company in the county of Bath.

No. 123. A bill to amend an act, entitled "an act for the better organization of the militia."

No. 124. A bill directing the treasurer of the commonwealth to give the state's guarantee to a certain loan authorized to be negotiated by the Richmond, Fredericksburg and Potomac rail-road company.

No. 125. A bill to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company for the purpose of laying down iron rails or a more permanent rail superstructure on said road. This bill was ordered to be printed on motion of Mr. STEPHENSON.

No. 127. A bill concerning Squire Sayre.

No. 128. A bill concerning the collection of rents.

No. 129. A bill exempting the counties of Prince William and Campbell from the operation of an act concerning apprentices, passed April 6th, 1839.

No. 130. A bill incorporating the Princess Anne and Kempsville canal companies.

No. 132. A bill to authorize the county court of Augusta to subscribe for stock in the Valley turnpike company; and

No. 133. A bill to amend the act, entitled "an act prescribing certain general regulations for the incorporation of turnpike companies."

No. 134. A bill establishing the county of ———— of parts of the counties of Harrison, Lewis and Wood, was read the first and second times, and on motion of Mr. JACKSON *of Wood* ordered to be committed.

No. 135. A bill changing the manner of appointing an inspector of flour and indian meal in the town of Winchester.

No. 137. A bill to amend the act, entitled "an act concerning general elections in this commonwealth;" and

No. 153. A bill authorizing the Board of public works to appoint agents in certain cases, were severally read the first and ordered to be read a second time.

A report of the committee of claims upon the resolution concerning Thomas C. Burwell of Greenbrier, and Octavius A. Henry of Westmoreland, was on motion of Mr. JACKSON *of Wood* ordered to be recommitted.

A report of the committee of propositions and grievances rejecting the petition of citizens of the county of Fauquier for a new county out of the western end of the county, was on motion of Mr. SEYMOUR laid upon the table.

The following reports of the committee for courts of justice were read and agreed to:

The committee for courts of justice have according to order had under consideration the petition of John Biggs, to them referred, praying to be released from the payment of a fine rendered against him at the last circuit superior court of law and chancery for the county of Preston, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have according to order had under consideration the petition of John S. Gatewood, to them referred, praying to have a sum of money refunded to him, received for certain lands of his father escheated to the commonwealth, and sold by order of the executive, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

A report of the committee of roads and internal navigation reporting it inexpedient to make a further appropriation for opening a road in the counties of Bath and Alleghany, was on motion of Mr. LOCKRIDGE ordered to be recommitted.

The following reports of the same committee were read and agreed to:

The committee of roads and internal navigation have according to order had under consideration the peti-

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tion of John H. Reily, late treasurer of the Fairfax turnpike road company, representing that he was appointed treasurer as aforesaid in the year 1824, and that he satisfactorily discharged the duties until December 1836, when he resigned, without receiving any compensation for his services, except the sum of fifty dollars, about a year after his appointment; and praying such compensation from the state as will be in her relative proportion to the stock held by her in said company, or such other amount as the general assembly may deem just: Whereupon,

Resolved as the opinion of this committee, That said petition be rejected.

The committee of roads and internal navigation have according to order enquired into "the necessity and propriety of extending the Northwestern turnpike road, from its eastern termination to the western extremity of the Ashby's Gap turnpike road, and to the Berryville turnpike; also of appropriating the tolls arising from the commonwealth's stock in the Ashby's Gap turnpike and the Little river turnpike companies, to the extension of it to Berry's ferry; and that in the Berryville, Snicker's, and Leesburg turnpike roads, be applied to its extension to Berryville, which will render the communication between the east and west complete, by filling up the small interruption of about twelve miles between those two points:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient so to extend the Northwestern road, or to appropriate the said tolls for such purpose.

A report of the committee of propositions and grievances was read and agreed to as follows:

The committee of propositions and grievances have according to order had under consideration the petition of sundry citizens of the county of Augusta, to them referred, praying that an act may pass changing the place of holding the separate election for the Pasture precinct, from the house of Robert Dunlap to the storehouse of William Guy at Deerfield: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be *rejected* for want of notice.

The following report of the committee on agriculture and manufactures was read:

The committee of agriculture and manufactures have according to order had under consideration the petition of sundry freeholders and residents of the counties of Madison and Orange to them referred, praying that the Rapid Anne river between Ballard's mill-dam and White's ford may be made a lawful fence, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected; it not appearing that any notice had been given of the intention to present the same.

The said resolution was agreed to, an unsuccessful motion having been made by Mr. HIDEN to recommit the same with instructions to the committee to consider the petition upon its merits.

On motion of Mr. PAYNE the house adjourned.

TUESDAY, FEBRUARY 11, 1840.

On motion of Mr. MICHAUX, *Resolved*, That leave be granted the committee of agriculture and manufactures to introduce a bill to incorporate a company in the county of Powhatan for mining purposes in the name of the Dupuy and Bryant coal mining company.

On motion of Mr. BEARD, *Resolved*, That this house will by joint vote with the senate proceed on Saturday the fifteenth instant, to the election of the first and second auditors, a treasurer, register of the land-office and secretary of the commonwealth and librarian.

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

On motion of Mr. HIDEN, *Resolved*, That the committee on agriculture enquire into the expediency of incorporating the Montpelier marble company in the county of Orange, for the purpose of quarrying, sawing and polishing marble, and also for quarrying porphyry, agate, flag stone and slate.

On motion of Mr. WADE, *Resolved*, That the committee of schools and colleges be instructed to enquire into the expediency of incorporating a female academy in the town of Blacksburg, Montgomery county, and that they report by bill or otherwise.

On motion of Mr. ARMSTRONG, *Resolved*, That the committee for courts of justice enquire into the expediency of amending the laws in relation to the duties of clerks of the county courts, so as to make it imperative upon them to forward to the clerk of the house of delegates a copy of the poll books for the formation of new counties before the meeting of the general assembly.

Mr. CLARKE *of Surry* presented a petition of Bolling Jones praying the passage of a law for the sale of a certain piece of meadow land in the county of Surry.

Mr. ROBERTSON presented a memorial of citizens of the city of Richmond against the passage of the law asked for by J. B. Harvie.

The said petitions were referred to the committee for courts of justice.

Mr. BEARD presented a petition of Alexander H. Creel to establish a ferry across the Ohio river from his

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lands at the mouth of Green's run in Wood county to the opposite shore, which was referred to the committee of roads and internal navigation.

Mr. GREGORY presented a petition and deposition of John Capron of Norfolk borough asking that William Nelson of York county may be paid the value of a horse lost in the Yorktown fete in 1824, which was referred to the committee of claims.

Mr. CARROLL *of Grayson* presented a petition of the officers and privates of the 78th regiment of militia, praying for an act to dispense with the regimental musters of said regiment and substituting in lieu thereof a battalion muster in each battalion in the month of April or May in every year on such day as shall be appointed by the regimental court of enquiry, which was referred to the committee on the militia laws.

Mr. MAY from the committee for courts of justice presented a report upon the resolution relative to the propriety of providing by law that but one set of costs be taxed to the defendants in any court in this commonwealth where more than one suit is instituted upon the same obligation; and the following bill:

No. 205. A bill amending the act concerning commissions on sales made under decrees in chancery.

No. 74. A bill incorporating the Patterson's creek turnpike company, was taken up on motion of Mr. GIBSON, read a second time and ordered to be committed.

No. 61. An engrossed bill amending the charter of the town of Winchester, was taken up on motion of Mr. WORTHINGTON; thereupon the rule of the house was suspended, and the vote ordering the said bill to be engrossed was reconsidered. A motion was then made by Mr. BYRD to amend the same, and on motion of Mr. WORTHINGTON the said bill and amendment were ordered to be committed.

Mr. BYRD then presented additional documents in support of the said bill, which on his motion, together with the documents heretofore presented on the same subject, were referred to the committee to which the said bill was committed.

The following engrossed bills were read a third time and passed, viz:

No. 110. A bill incorporating the Carnifex ferry bridge company.

No. 114. A bill to amend the act, entitled "an act to incorporate the trustees of the Halifax academy."

No. 115. A bill to amend an act, entitled "an act incorporating the trustees of the Union academy of Campbell."

No. 116. A bill incorporating the trustees of the Concord female seminary; and

No. 136. A bill to incorporate the Western Virginia silk and agricultural company.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 127. A bill concerning Squire Sayre was on motion of Mr. STEPHENSON ordered to be laid upon the table.

No. 132. A bill to authorize the county court of Augusta to subscribe for stock in the Valley turnpike company, was on motion of Mr. STUART ordered to be laid upon the table.

The following bills were read a second time and ordered to be engrossed:

No. 117. A bill incorporating the Wellsburg Jefferson seminary.

No. 122. A bill to incorporate the Hot springs company in the county of Bath.

No. 129. A bill exempting the counties of Prince William and Campbell from the operation of an act concerning apprentices, passed April 6th, 1839.

No. 130. A bill incorporating the Princess Anne and Kempsville canal companies.

No. 131. A bill to increase and regulate the tolls on the Powhatan rail-road, and the Tuckahoe and James river rail-road; and

No. 135. A bill changing the manner of appointing an inspector of flour and indian meal in the town of Winchester.

The house according to the joint order of the day proceeded by joint vote with the senate to the election of a governor of this commonwealth to fill the vacancy which will be occasioned by the expiration of the term of the present incumbent *David Campbell esq.;* thereupon Mr. CHAPMAN nominated *James M'Dowell;* Mr. SOUTHALL nominated *Thomas W. Gilmer;* Mr. GOODE nominated *Joseph S. Watkins;* and the senate having been informed thereof, and no person having been added to the nomination in that house, the vote was recorded as follows:

For James M'Dowell—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Taylor of Halifax, Allen of Hampshire, White, Lee, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Fitzhugh, Clarke of Surry, Spotts, Goodson and Stanger—60.

For Thomas W. Gilmer—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Erskine,

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Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson and Walker—65.

For Joseph S. Watkins—Messrs. Meredith, Haskins, Cox, Butts, Clark of Halifax, Armstrong, Orgain, Smith of Mason and Jackson, Baskerville, Goode, Hudnall, Fitzgerald, Heath, Ridley and Prince—15.

And for John Rutherfoord—Barrett G. Payne—1.

Ordered, That Messrs. Chapman, Gregory, Southall, Goode, Yerby, Bayly and Crutchfield, be a committee to act jointly with a committee of the senate to ascertain the joint vote.

Mr. CHAPMAN reported that the joint committee had ascertained the vote to be, for *M'Dowell* 66, for *Gilmer* 77, for *Watkins* 18, scattering 2.

There being no election, and Mr. *Watkins* being dropped under the rule of the house, Mr. GOODE renominated him, and the vote being again taken, was recorded as follows:

For James M'Dowell—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Allen of Hampshire, White, Lee, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—60.

For Thomas W. Gilmer—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson and Walker—67.

For Joseph S. Watkins—Messrs. Clark of Halifax, Armstrong, Baskerville and Goode—4.

Mr. CHAPMAN from the joint committee reported the joint vote to be, for *M'Dowell* 76, for *Gilmer* 79, for *Watkins* 7, scattering 1.

There being no election, and Mr. *Watkins* being again dropped under the rule, the vote was recorded as follows:

For James M'Dowell—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For Thomas W. Gilmer—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson and Walker—67.

For Andrew Beirne—W. R. Baskerville—1.

For Joseph H. Samuels—William O. Goode—1.

For Lewis Summers—John J. Jackson—1.

Mr. CHAPMAN from the joint committee reported the joint vote to be, for *M'Dowell* 80, for *Gilmer* 79, scattering 6.

There being no election, the vote was again recorded as follows:

For James M'Dowell—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews

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and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—62.

For Thomas W. Gilmer—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson and Walker—67.

For John W. Jones—W. R. Baskerville—1.

For Philip N. Nicholas—William O. Goode—1.

For Edwin S. Duncan—John J. Jackson—1.

Mr. CHAPMAN from the joint committee reported the joint vote to be for *M'Dowell* 80, for *Gilmer* 80, scattering 4.

There being no election, the vote was again recorded as follows:

For James M'Dowell—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—61.

For Thomas W. Gilmer—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

For John Brockenbrough—W. R. Baskerville and William O. Goode—2.

Mr. CHAPMAN from the joint committee reported the joint vote to be for *M'Dowell* 80, for *Gilmer* 82, scattering 2.

There being no election, Mr. VENABLE again nominated *Joseph S. Watkins*, and the senate being informed thereof by him, and the house having been informed by a message from that body by Mr. TOD that *Philip N. Nicholas* had been added to the nomination, the vote was recorded as follows:

For M'Dowell—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Burwell of Clarke and Warren, Howell, Byrd, King, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Fontaine, Ewing, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—48.

For Gilmer—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

For Watkins—Messrs. Meredith, Guerrant, White, Wright, Lipscomb, Orgain, Baskerville, Goode, Venable and Heath—10.

For Nicholas—Messrs. Haskins, Cox, Powell, Baker and Fitzgerald—5.

Mr. CHAPMAN from the joint committee reported the joint vote to be for *M'Dowell* 52; for *Gilmer* 82; for *Watkins* 11; for *Nicholas* 19.

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There being no election, and *Mr. Watkins* being again dropped under the rule of the house, the vote was recorded as follows:

For M'Dowell—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Burwell of Clarke and Warren, Powell, Howell, Byrd, King, Carroll of Grayson, Taylor of Halifax, Allen of Hampshire, Lee, Smith of Isle of Wight, Ewing, Banks, Clayton, Chapman, Wade of Montgomery and Pulaski, Hudnall, Hiden, Aleshire, Michaux, Carroll of Preston, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Spotts and Stanger—37.

For Gilmer—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

For Nicholas—Messrs. Meredith, Haskins, Cox, Baker, Guerrant, Butts, Clark of Halifax, White, Armstrong, Wright, Fontaine, Lipscomb, Orgain, Taylor of Mathews and Middlesex, Baskerville, Goode, Myers of Morgan, Fitzgerald, Hiner, Venable, Heath, Ridley, Fitzhugh, Clarke of Surry, and Prince—25.

For Thomas H. Bayly—Samuel E. Goodson—1.

Mr. CHAPMAN from the joint committee reported the joint vote to be for *M'Dowell* 40; for *Gilmer* 82; for *Nicholas* 41; scattering 1.

There being no election, and *Mr. M'Dowell* being again renominated by Mr. CHAPMAN, and the senate having been informed thereof by him, the vote was again recorded as follows:

For James M'Dowell—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Burwell of Clarke and Warren, Howell, Byrd, King, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Fontaine, Ewing, Lipscomb, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Hudnall, Hiden, Aleshire, Hiner, Michaux, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—50.

For Thomas W. Gilmer—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Smith of Gloucester, Erskine, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Crutchfield, Stephenson, Walker, and Jackson of Wood—69.

For Philip N. Nicholas—Messrs. Cox, Baker, Guerrant, White, Wright, Orgain, Baskerville, Goode, Myers of Morgan, Fitzgerald and Venable—11.

For Thomas H. Bayly—John Powell—1.

For John W. Jones—Robert Ridley—1.

Mr. CHAPMAN from the joint committee reported the joint vote to be for *M'Dowell* 50; for *Gilmer* 83; for *Nicholas* 11; scattering 2; thereupon THOMAS W. GILMER esq. was declared duly elected governor of this commonwealth for three years from and after the expiration of the term of service of the present incumbent.

On motion of Mr. GREGORY, *Resolved*, That it be the duty of the sergeant of this house to endeavour to find out who were the persons that hissed in the galleries on the night of the 11th of February 1840, and report their names as soon as he does so to the house.

On motion of Mr. EVANS the house adjourned.

WEDNESDAY, FEBRUARY 12, 1840.

Mr. WILSON from the committee on agriculture and manufactures presented the following bills:

No. 206. A bill to incorporate the Dupuy and Bryant coal mining company in the county of Powhatan; and

No. 207. A bill to amend the act, entitled "an act to incorporate the Harris creek manufacturing company," passed February 1st, 1832.

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Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented a report upon the petition of citizens of the counties of Buckingham, Prince Edward, Charlotte and Campbell, for a new county of parts of said counties; and the following bill:

No. 208. A bill to authorize a separate election at the Buffaloe Ridge springs in the county of Nelson.

Mr. BURWELL *of Bedford*, according to order, presented the following bill:

No. 209. A bill to amend the charter of the Bedford savings bank at Liberty.

On motion of Mr. CABELL leave was given to withdraw the petition of citizens of the county of Amherst for the establishment of a separate election in said county, presented at the last session.

Mr. CABELL then again presented the said petition.

Mr. POWELL presented a petition of citizens of the county of Fairfax for the establishment of a separate election at the tavern of Enoch Grigsby in the town of Centreville in said county.

Mr. ROBERTSON a petition of Isaac A. Goddin, George Jones and others, for the passage of an act to incorporate the Marshall theatre.

Mr. STAPLES a petition of citizens of the county of Patrick praying a change of place of holding a separate election in said county from the house of Isaac Adams to the house of Jackin, Howell, Tuggell & Co.

The said petitions were referred to the committee of propositions and grievances.

Mr. SNYDER presented a memorial of citizens of the county of Roanoke for the incorporation of the Roanoke circulating library company; which was referred to the committee of schools and colleges.

Also a petition of other citizens of the said county for the incorporation of the Salem and Mountain turnpike company; which was referred to the committee of roads and internal navigation.

Mr. ALLYN *of Norfolk* presented a memorial of the Benevolent mechanic society of Norfolk borough asking to be allowed further time for drawing the lottery granted to the said society; which was referred to the committee for courts of justice.

A motion was made by Mr. SMITH *of Isle of Wight* to adopt the following resolution:

Resolved, That the committee for courts of justice enquire into the expediency of providing by law or otherwise, for the prevention of disturbance to the proceedings of the two houses of the general assembly by persons in the galleries, and on the privileged seats thereof, and in any other manner, and by any other persons other than the members of the two houses.

And the question being put thereupon was determined in the affirmative.

On motion of Mr. WOOD, *Resolved*, That the committee for courts of justice be instructed to enquire into the propriety of so amending the law authorizing clerks of courts to take receipts from sheriffs for process issued by them, as to give the sheriffs the same power of taking receipts from the clerks for the return of all law process, executions, &c.

Mr. CRUTCHFIELD from the committee of roads and internal navigation reported that the committee had taken into consideration the bill

No. 37. Entitled "an act to amend the several acts concerning the Northwestern turnpike road," with the senate's amendments thereto, and proposed amendments to the said amendments.

He also reported without amendment the following bill:

No. 74. A bill incorporating the Patterson's creek turnpike company.

And presented reports upon the petitions of citizens of the town of Front Royal; of Richard Stevens; of the convention at Giles courthouse; of the counties of Frederick, Clarke, Jefferson and Loudoun, for the extension of the Northwestern road from Winchester to Berryville; of citizens of Winchester and the surrounding country, praying the extension of said road to Berry's ferry; of citizens of Fairfax concerning tolls on the Little river turnpike; of Harrison and Monongalia counties for a bridge across Three fork river; and upon resolutions relative to amendments to the general road laws of the state; also the following bills:

No. 210. A bill to amend the act, entitled "an act incorporating the Buchanan and Salem turnpike company;" and

No. 211. A bill authorizing the ballast master at Fredericksburg to appoint assistants.

On motion of Mr. CRUTCHFIELD the said committee was discharged from the consideration of the petition of citizens of the county of Frederick praying that a road be made on state account from Winchester to the town of Bath, and the said petition was laid upon the table.

Mr. STURM presented a petition of William Logan praying that the tax paid by him on certain lands may be refunded, which was referred to the committee of finance.

No. 127. A bill concerning Squire Sayre, was taken up on motion of Mr. STEPHENSON, amended on motions of Messrs. LEE, MAY and STEPHENSON, and as amended ordered to be engrossed.

The speaker laid before the house the following letter, which, on motion of Mr. DORMAN, was laid upon the table:

RICHMOND, FEBRUARY 11, 1840.

SIR,—The board of principal assessors have instructed me to communicate to the house of delegates, in reply to its resolution of the 1st instant, that the board will probably be able to report by the 18th instant, the

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aggregate amount of the value of the lands of this commonwealth, under the act of the general assembly, passed the 24th March 1838, "authorizing a reassessment of the lands of this commonwealth."

I have also been instructed by the board to say, that the great amount of labour necessarily devolving on the board, in equalizing the assessments, and arriving at what they considered a correct result, has been the cause of delay in making this communication.

I have the honour to be, sir, very respectfully, your obedient servant,

H. R. ANDERSON,
President of the Board of Principal Assessors.

THOMAS W. GILMER, Esq., *Speaker of the House of Delegates.*

On motion of Mr. ROBERTSON, *Resolved*, That the committee of agriculture and manufactures enquire into the expediency of reviving the act, entitled "an act to incorporate the Stonewall iron manufactory."

On motion of Mr. MAY, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of amending the laws concerning the court of appeals, and changing the method of proceeding in obtaining appeals from the circuit superior courts, and that they have leave to report by bill or otherwise.

Mr. MAY from the committee of courts of justice reported with amendment the following bill:

No. 82. A bill charging real assets with the payment of simple contract debts, and declaring the mode of administering the same.

Also presented a report upon the resolution in relation to changing the venue in cases of forcible entry and unlawful detainer.

Mr. GOODE from the committee of schools and colleges presented a report upon the petition of the people of Nansemond relative to Yeates's free school; and the following bill:

No. 212. A bill concerning William G. Hull.

On motion of Mr. SOUTHALL, (Mr. WATTS being in the chair,) *Resolved*, That a joint committee of the senate and house of delegates be appointed to announce to THOMAS W. GILMER esq. his election to the office of chief magistrate of this commonwealth for three years from and after the expiration of the term of office of the present incumbent.

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

On motion of Mr. MAY the resolution submitted by Mr. BAKER on the 21st ultimo was taken up, and being amended on his motion, was agreed to as follows:

Resolved, That this house will, with the joint vote of the senate, proceed on Thursday the twentieth instant to the election of a member of the executive council to fill the vacancy occasioned by the expiration of the term of service of *Henry L. Hopkins esq.*

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

On motion of Mr. MAY so much of the resolution as requires the speaker to vacate the chair at half past two o'clock P. M. and resume it at four P. M. on Mondays, Wednesdays and Fridays, be suspended for this day.

Mr. WADE *of Montgomery and Pulaski* presented sundry documents relative to the removal of the seat of justice of the county of Pulaski, which was referred to the committee of propositions and grievances.

Also a petition of citizens of the county of Montgomery praying for the passage of an act repealing the laws authorizing the sale of ardent spirits, which was referred to the committee for courts of justice.

No. 83. A bill providing for the removal of the seat of justice for the county of King William, with the substitute proposed thereto by Mr. TAYLOR *of Mathews and Middlesex*, was taken up on motion of Mr. MAY, and the said substitute being adopted, the said bill as amended was ordered to be engrossed.

No. 68. A bill concerning the publication of deeds was taken up on motion of Mr. WORTHINGTON, read a second time and ordered to be engrossed.

On motion of Mr. ALLYN *of Norfolk* the resolution submitted by him on the first instant was taken up and agreed to as follows:

Resolved, That the rules of this house relating to the appointment of standing committees be so amended as to provide for the appointment of a standing committee to consist of not less than nine nor more than thirteen members, to be entitled a committee on trade and mechanic arts.

On motion of Mr. TUNSTALL the house adjourned.

THURSDAY, FEBRUARY 13, 1840.

A communication from the senate by their clerk:

IN SENATE, FEBRUARY 12, 1840.

The senate have passed the bills, entitled,
"An act incorporating the Carnifex ferry bridge company."

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"An act to amend an act, entitled 'an act incorporating the trustees of the Union academy of Campbell.'"

"An act incorporating the trustees of the Concord female seminary."

"An act to increase the stock of the Dover coal mining company, and to grant them manufacturing privileges;" and

"An act to amend the act, entitled 'an act to incorporate the trustees of the Halifax academy.'"

And they have agreed to the resolution for the election of the first and second auditors, the treasurer, register of the land-office and secretary of the commonwealth and librarian.

The speaker announced the following as the standing committee on trade and mechanic arts: Messrs. Allyn of Norfolk borough, Robertson, Bayly, Clarke of Surry, Lawson, Venable, Hamlett, Reynolds, Smith of Mason and Jackson, Shipman, Spotts, Snyder and Fox.

On motion of Mr. BEARD, *Resolved*, That the committee on agriculture and manufactures enquire into the expediency of incorporating the Mercer manufacturing company in the county of Loudoun.

On motion of Mr. WALDEN, *Resolved*, That the committee on agriculture and manufactures be instructed to enquire into the necessity of guarding in some mode provided by law the agricultural interest of this commonwealth from the injury which is sustained by the sale and purchase of plaster of paris of a useless quality.

Mr. VENABLE from the committe on banks reported with amendments the following bill:

No. 112. A bill incorporating the Lewisburg savings institution, society or bank.

Mr. DORMAN from the committee of finance presented reports upon the petitions of Guy D. French and William Chapman.

Mr. WATTS from the committee of roads and internal navigation presented the following bills:

No. 213. A bill to amend the several acts concerning the Holliday's cove turnpike company; and

No. 214. A bill authorizing Alexander H. Creel to establish a ferry across the Ohio river.

No. 75. The bill, entitled "an act concerning the duty of executors and administrators, and wills of personal estate," with the amendments thereto proposed by the senate, was taken up, and the first, second, third and fifth amendments were agreed to; the fourth amendment was amended on motion of Mr. MAY, and as amended agreed to.

Ordered, That the clerk inform the senate thereof and request their concurrence in the said amendment to their fourth amendment.

No. 109. An engrossed bill authorizing an increase of the capital stock of the Rappahannock company was read a third time; thereupon a clause by way of ryder thereto was submitted by Mr. CRUTCHFIELD, which was read the first and second times and forthwith engrossed; and the question being put upon the passage of the said bill and ryder was determined in the negative.

On motion of Mr. VENABLE the vote thereupon was recorded as follows:

AYES—Messrs. Carpenter, Stuart, Lockridge, Myers of Berkeley, Jackson of Braxton and Lewis, M'Millan, Fox, Broadus, Marshall, Scott, Alderson, Payne, Baker, Byrd, Erskine, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, Worthington, Kennedy, Reynolds, Tayloe of King George, Lawson, Beard, Lipscomb, Smith of Mason and Jackson, Chapman, Hodges, Allyn of Norfolk borough, Watts, M'Connell, Hiden, Hiner, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Conn, Bare, Crutchfield, Fitzhugh and Spotts—51.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Cabell, M'Cue, Burwell of Bedford, Mitchell, Hannah, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Roane, Powell, Howell, Hale, Wade of Franklin, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Wright, Ewing, Ramey, Harrison, Orgain, Banks, Baskerville, Goode, Clayton, Evans, Wade of Montgomery and Pulaski, Massie, Yerby, Hudnall, Fitzgerald, Aleshire, Michaux, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Griever, Ridley, Clarke of Surry, Prince, Stephenson, Goodson, Walker and Stanger—69.

Resolved, That said bill be rejected.

The speaker laid before the house a communication from the governor as president of the Board of public works, transmitting reports of the principal engineer in relation to various locations, surveys and examinations made by him during the past year, which on motion of Mr. RIDLEY was laid upon the table and ordered to be printed. [*See Report Board Public Works and Documents.*]

The speaker also laid before the house a further communication from the governor transmitting a report and resolutions adopted by the legislature of the state of South Carolina, in relation to a controversy between the states of Georgia and Maine, which on motion of Mr. LEE was referred to the select committee on the governor's message relative to a demand made by the executive of this state upon the governor of New York, for the surrender of certain fugitives from justice.

A motion was made by Mr. RIDLEY that the house adopt the following resolution:

Resolved, That the governor of this commonwealth be requested to obtain from the governor of New Jersey certified copies of all the papers that were before him and his privy council prior to his making a return of

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members to represent that state in the 26th congress of the United States; also to call on the secretary of state of that state for a copy of the journal of the proceedings thereon had by the governor and council when assembled for the purpose of casting up the whole number of votes polled in said election, and communicate the same to this house upon the receipt thereof.

A motion was made by Mr. VENABLE that the same be laid upon the table and be printed, and the question being put thereupon was determined in the negative.

On motion of Mr. GREGORY the vote was recorded as follows:

AYES—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Burwell of Clarke and Warren, Powell, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, Michaux, Venable, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Quillen, Conn, Bare, Griever, Ridley, Clarke of Surry, Prince, Spotts, Goodson and Stanger—59.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Scott, Alderson, Payne, Hale, Wade of Franklin, Erskine, Butts, Gibson, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Smith of Mason and Jackson, Evans, Hodges, Massie, Watts, Etheridge, Yerby, M'Connell, May, Tunstall, Keen, Tallman, Roberts, Walden, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Stephenson, Walker, and Jackson of Wood—65.

A motion was then made by Mr. VENABLE that the said resolution be referred to the select committee to whom the communication from the governor of New Jersey was referred, and the question being put thereupon was determined in the negative.

On motion of Mr. VENABLE the vote was recorded as follows:

AYES—Messrs. Carpenter, Hannah, Cox, Crafford, King, Carroll of Grayson, Butts, Taylor of Halifax, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Orgain, Banks, Goode, Clayton, Myers of Morgan, Allyn of Norfolk borough, Fitzgerald, Michaux, Carroll of Preston, Venable, Heath, Ratcliffe, Snyder, Smith of Russell, Quillen, Spotts and Goodson—31.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Powell, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Guerrant, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Hamlett, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Evans, Chapman, Wade of Montgomery and Pulaski, Hodges, Massie, Watts, Etheridge, Yerby, Hudnall, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Roberts, Sturm, Walden, Robertson, Leyburn, Dorman, Smith of Rockingham, Shipman, Conn, Griever, Ridley, Crutchfield, Clarke of Surry, Prince, Stephenson, Walker, Jackson of Wood, and Stanger—91.

The question was then put upon adopting the said resolution, and was determined in the negative.

On motion of Mr. RIDLEY, the vote was recorded as follows:

AYES—Messrs. Carpenter, Hannah, Meredith, Haskins, Thornburg, Crafford, Powell, Howell, Baker, King, Carroll of Grayson, Butts, Clark of Halifax, Allen of Hampshire, White, Armstrong, Wright, Fontaine, Lipscomb, Orgain, Banks, Baskerville, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hudnall, Hiner, Michaux, Heath, Ratcliffe, Sturm, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Ridley, Prince and Goodson—41.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Jackson of Braxton and Lewis, Kyle, Flood, Toler, Fox, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Guerrant, Erskine, Taylor of Halifax, Gibson, Seymour, Lee, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Caldwell, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Goode, Evans, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Fitzgerald, Hiden, Aleshire, May, Tunstall, Keen, Tallman, Venable, Roberts, Walden, Robertson, Leyburn, Dorman, Griever, Crutchfield, Clarke of Surry, Spotts, Stephenson, Walker, and Jackson of Wood—76.

On motion of Mr. LEE, *Resolved*, That the principal engineer communicate to this house any information in his possession touching the recent loss of the bridge on the Northwestern turnpike road across Elk creek at its mouth in the county of Harrison, together with his opinion as to the necessity of immediately rebuilding the same on a proper plan and an estimate of the probable cost thereof.

On motion of Mr. DORMAN the house adjourned.

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FRIDAY, FEBRUARY 14, 1840.

A communication was received from the senate by their clerk:

IN SENATE, FEBRUARY 13, 1840.

The senate have passed the bill, entitled

"An act to establish a company of light infantry in the city of Richmond, and for other purposes."

They have also passed the bill, entitled

"An act to incorporate the Potomac and Alleghany coal and iron manufacturing company," with an amendment, in which they request the concurrence of the house of delegates.

They have agreed to the resolution for announcing to *Thomas W. Gilmer* esq. his election as governor, and have appointed a committee on their part.

They have also agreed to the resolution for the election of a member of the executive council, with amendments, in which they request the concurrence of the house of delegates.

The said amendments were severally agreed to, and the clerk was ordered to inform the senate thereof.

The speaker (Mr. WATTS being in the chair,) appointed the following as the committee to announce to *Thomas W. Gilmer* his election as governor of this commonwealth: Messrs. Southall, Crutchfield, Lee, Ridley and Dorman.

Mr. WILSON from the committee on agriculture and manufactures presented the following bills:

No. 215. A bill to revive the act to incorporate the Stonewall iron manufacturing company; and

No. 216. A bill to incorporate the Montpelier marble company in the county of Orange.

Mr. TAYLOE *of King George* from the committee appointed to examine the treasurer's office presented a report upon the treasurer's accounts.

On motion of Mr. TAYLOE *of King George*, *Resolved*, That the use of the hall of this house be tendered to the several conventions which are expected to assemble in this city on the twentieth and twenty-fourth days of the present month.

On motion of Mr. WHITE, *Ordered*, That leave be given to bring in a bill to amend the act, entitled "an act to incorporate the Hanover and Henrico exploring and mining company," passed March 7th, 1838, and that Messrs. White, M'Rae, Fontaine, Corbin and Lipscomb prepare the same.

On motion of Mr. KENNEDY, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of changing the mode of selecting jurors for the several courts of this commonwealth, and of allowing them a per diem compensation for their services.

A motion was made by Mr. DORMAN that the house adopt the following resolution:

Resolved, That the committee of finance be instructed to enquire into the expediency of suspending during the present year the further execution of the geological survey of this state.

And the question being put thereupon was determined in the negative.

On motion of Mr. JACKSON *of Wood* the vote was recorded as follows:

AYES—Messrs. Bayly, Lockridge, Meredith, Haskins, Kyle, Thornburg, Toler, Cardwell, Cox, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Payne, Hale, Wade of Franklin, Baker, Butts, Taylor of Halifax, Clark of Halifax, White, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Wright, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Fitzgerald, Aleshire, Keen, Michaux, Heath, Ratcliffe, Sturm, Walden, Snyder, Leyburn, Smith of Rockingham, Shipman, Smith of Russell, Conn, Bare, Griever, Fitzhugh, Clarke of Surry, Prince, Spotts and Walker—53.

NOES—Messrs. Gilmer, (speaker,) Southall, Carpenter, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Flood, Fox, Burwell of Clarke and Warren, Scott, Alderson, Howell, Byrd, King, Guerrant, Carroll of Grayson, Erskine, Allen of Hampshire, Seymour, Lee, Worthington, Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Caldwell, Goode, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, M'Connell, Hiden, Hiner, Tunstall, Tallman, Venable, Roberts, Robertson, Dorman, Quillen, Stephenson, Goodson, Jackson of Wood, and Stanger—63.

On motion of Mr. VENABLE leave was granted to Samuel Lyle and others to withdraw their petition presented at the present session of the general assembly.

Mr. STEPHENSON from the committee of claims presented a report upon the petition of John Capron; and the following bills:

No. 217. A bill concerning Edward H. Womwell.

No. 218. A bill concerning Thomas C. Burwell and Octavius A. Harvey; and

No. 219. A bill concerning Benjamin Sheppard administrator of John P. Shields deceased.

Mr. STEPHENSON announced that the said committee having finished its business, had no farther use for a clerk, and that officer was accordingly ordered to be discharged.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented a report upon the

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petitions of citizens of the county of Augusta for a separate election in the town of Greensville; and the following bills:

No. 220. A bill to change the place of holding a separate election in the county of Nansemond.

No. 221. A bill to revive and amend the act, entitled "an act prescribing the mode of electing trustees for the town of Covington, in the county of Alleghany, and for other purposes;" and

No. 222. A bill to establish the town of Dranesville, in the county of Halifax.

And reported without amendment the following bill:

No. 134. A bill establishing the county of ————, of parts of the counties of Harrison, Lewis and Wood.

Mr. Beard from the committee of roads and internal navigation presented a report upon the resolution requiring turnpike companies to obtain leave of the county courts to occupy public roads; and the following bills:

No. 223. A bill making further provision for opening a certain road in the counties of Bath and Alleghany; and

No. 224. A bill incorporating the Salem and Bent mountain turnpike company.

Mr. Tunstall from the committee on the public library reported without amendment the following bill:

No. 118. A bill incorporating the Mercantile library association of Richmond.

Mr. Tunstall presented a statement of the polls taken in the county of Pittsylvania for and against a new county proposed to be formed out of parts of the counties of Bedford, Pittsylvania, Franklin and Campbell, which was referred to the committee of propositions and grievances.

Mr. Caldwell presented sundry affidavits to be used as evidence in reference to the application of T. and E. Pollock for a ferry across the Ohio river, which were laid upon the table.

Mr. Hannah presented a petition of citizens of the county of Botetourt asking to change the place of holding the separate election in said county from the house of E. Sweetland in the town of Pattonsburg, to the Hobhouse tavern in the town of Buchanan.

Mr. Armstrong a petition of citizens of the county of Harrison for the establishment of the town of Boothsville in said county.

The said petitions were referred to the committee of propositions and grievances.

On motion of Mr. M'Cue the fifth rule of the house was suspended, and the vote concurring with the report of the committee of propositions and grievances in rejecting the petition of citizens of Augusta for a change of the separate election now held at the house of Robert Dunlap to the town of Deerfield, was reconsidered.

The said resolution was again read as follows:

Resolved, That the prayer of said petitioners *be rejected for want of notice.*

A motion was then made by Mr. M'Cue to amend the same by striking out the words "*be rejected for want of notice*," and inserting in lieu thereof the words "is reasonable;" and the question being put thereupon was determined in the affirmative, and the said resolution as amended was agreed to, and the committee was ordered to prepare a bill conformably therewith.

No. 37. A bill, entitled "an act to amend the several acts concerning the Northwestern turnpike road," with the amendments thereto proposed by the senate, and the amendments reported by the committee of roads and internal navigation, was taken up.

The first and second amendments proposed by the senate were agreed to; the third and fourth amendments were disagreed to; the fifth amendment was amended according to the recommendation of the committee, and as amended was agreed to.

Ordered, That the clerk inform the senate thereof, and request their concurrence in the said amendments to their amendment.

On motion of Mr. Venable, *Resolved*, That the second auditor report to this house whether any joint stock companies in which the state is a stockholder, have failed to make reports to the Board of public works, if any, what companies have failed to report, and the interest said Board of public works has in such companies.

On motion of Mr. Banks, *Ordered*, That leave be given to bring in a bill authorizing Ebenezer Eliason, William P. Eliason and Ebenezer Eliason, jr. to erect a toll-bridge across the Rapid Ann river near Barnett's ford, from the lands of Ebenezer Eliason in the county of Madison, to the lands of William P. Eliason in the county of Orange, and that Messrs. Banks, Hiden, Broadus, Lipscomb, Marshall and Aleshire bring in the same.

Mr. May from the committee for courts of justice reported without amendment the following bill:

No. 119. A bill concerning the water works of the city of Richmond.

Also with amendments the following bill:

No. 61. A bill amending the charter of the town of Winchester.

Mr. Watts presented a memorial of the Portsmouth and Roanoke rail-road company, for an amendment of the act of March 20th, 1839, increasing their capital stock and for other purposes, which was referred to the committee of roads and internal navigation.

A motion was made by Mr. Robertson that so much of the resolution as requires the chair to be vacated at half past two, and again resumed at the hour of 4 o'clock, on Mondays, Wednesdays and Fridays be suspended for this day, and the question being put thereupon was determined in the negative.

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On motion of Mr. CLARKE *of Surry* the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Southall, Wood, Stuart, Lockridge, Burwell of Bedford, Mitchell, Flood, Roane, Scott, Wade of Franklin, Baker, Seymour, Lee, M'Rae, Hamlett, Worthington, Reynolds, Wright, Fontaine, Beard, Harrison, Lipscomb, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Goode, Hodges, Watts, Etheridge, Yerby, Fitzgerald, Hiden, May, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Ratcliffe, Sturm, Walden, Robertson, Leyburn, Dorman, Shipman, Conn, Bare, Fitzhugh, Stephenson, Goodson, Walker and Stanger—63.

NOES—Messrs. Carpenter, M'Cue, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Thornburg, Toler, Fox, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Whitworth, Crafford, Marshall, Alderson, Howell, Hale, Byrd, King, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Allen of Hampshire, Armstrong, Smith of Isle of Wight, Tayloe of Lancaster and Richmond, Ewing, Ramey, Banks, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Hudnall, Aleshire, Hiner, Venable, Roberts, Heath, Snyder, Smith of Rockingham, Quillen, Griever, Clarke of Surry, Prince, and Jackson of Wood—55.

The following engrossed bills were read a third time and passed:

No. 117. A bill incorporating the Wellsburg Jefferson seminary.

No. 122. A bill incorporating the Hot springs company in the county of Bath.

No. 129. A bill exempting the counties of Prince William and Campbell from the operation of an act concerning apprentices, passed April 6, 1839.

No. 131. A bill to increase and regulate the tolls on the Powhatan rail-road, and the Tuckahoe and James river rail-road; and

No. 135. A bill changing the manner of appointing an inspector of flour and indian meal in the town of Winchester.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 130. An engrossed bill incorporating the Princess Anne and Kempsville canal companies was also read a third time and passed.

Ordered, That Mr. ROBERTS carry the same to the senate and request their concurrence.

On motion of Mr. CABELL, *Resolved*, That the committee of roads and internal navigation be instructed to enquire into the expediency of constructing a road from New Market in Nelson county, by Variety and Rose mills to a point at or near the Buffalo springs in the county of Amherst, and that they report by bill or otherwise.

On motion of Mr. REYNOLDS, *Resolved*, That the committee on agriculture and manufactures be instructed to enquire into the expediency of declaring the Kanawha river a lawful fence from the mouth of Paint creek to the mouth of Morris's creek in Kanawha county.

The following reports of the committee for courts of justice were severally read and agreed to:

The committee for courts of justice have, according to order, had under consideration the petition of Martha A. Elliott and others, to them referred, praying the passage of an act authorizing the sale of certain real estate therein mentioned, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, acording to order, had under consideration the petition of Mary Pruden and others, to them referred, praying that certain real estate therein mentioned may be sold, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, according to order, had under consideration the petition of sundry citizens of the county of Bedford, to them referred, praying the passage of an act authorizing the imposition of a county tax on dogs, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, according to order, enquired into the expediency of furnishing the clerks of the county courts of the respective counties of this commonwealth with a copy of the journal of the house of delegates, in the manner the acts of the general assembly are now distributed, to be kept in the office of said clerk for the use of the public: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to furnish the clerks of the county courts with the journal aforesaid.

The committee for courts of justice have, according to order, enquired into the expediency of amending the act, entitled "an act concerning the processioning of lands," passed February 26, 1839, by repealing so much of said act as requires a majority of the acting justices of the county to be present when the appointment authorized to be made by said act is made: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient so to amend the said act.

The committee for courts of justice have, according to order, enquired into the expediency of prohibiting by law the employing of slaves, free negroes and mulattoes at public ferries within this commonwealth, across the

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Potomac or Ohio rivers, and the landing of slaves, free negroes, or mulattoes on the Virginia shore of either of said rivers, when they may be employed in any way whatever on public ferry boats: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to make the prohibition aforesaid.

The committee for courts of justice have, according to order, had under consideration the petition of sundry citizens of the county of Mathews, to them referred, praying for certain privileges in hauling seines, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee of courts of justice, to whom was referred "the memorial of inhabitants of the corporation of Fredericksburg and town of Falmouth, praying legislative interposition to restrain the Richmond, Fredericksburg and Potomac rail-road company from so locating and constructing their bridge across the Rappahannock river as to injure the navigation of said river," have had the same under consideration, and after due examination and reflection, submit the following report:

It appears from the said memorial, that the said rail-road company was incorporated by the legislature, by an act, passed February 25th, 1834, granting the privilege of constructing or making a road from some point within the corporation of Richmond to some point within the corporation of Fredericksburg, and of continuing the same from its point of termination in the town of Fredericksburg to the Potomac river or some creek thereof. That the said company having made the said rail-road from Richmond to Fredericksburg, has commenced the work of continuing it to the Potomac river or its waters, and for that purpose has begun the construction of a bridge across the Rappahannock river, such bridge to be constructed upon four large piers—the effect of erecting such piers, the memorialists declare, will be greatly to impede and obstruct the navigation of the river by causing a deposite to be made of earth and sand, and to extend for some distance below each pier. In confirmation of their opinion, as to the effect of such erection, the memorialists refer to the present condition of the river, caused by the erection, some years since at nearly the same place, of a bridge upon piers of a smaller size, and to the effect, at present observable, from the construction of certain coffer dams, built by the said company, for the purpose of erecting the piers of their bridge. The memorialists entertaining apprehensions fatal to the use of the said river, for the purpose of navigation, ask the legislature to restrain the said rail-road company from so locating and constructing the said bridge as to injure the navigation of the said river.

The committee have examined the act of assembly incorporating the Richmond, Fredericksburg and Potomac rail-road company. By that act the company are authorized to extend their road from its point of termination within the town of Fredericksburg to the Potomac river, or some creek thereof, and indeed such is declared in the first section of the said act to be the purpose, in part, for which the company was incorporated. By a subsequent section of said charter, the president and directors of said company are invested with all the rights and powers necessary for the construction of said road, and to make and to construct all works whatsoever which may be necessary and expedient to the proper completion of the said rail-road. By another section of the charter, express authority to erect bridges is given to the president and directors of said company, with the privilege of demanding tolls for passing the same. Upon this last authority there is this restriction, which may be deemed to have some bearing upon the subject of the said memorial: "That no bridge other than a rail-road bridge shall be constructed across the Rappahannock river at the town of Fredericksburg without the consent of the proprietors of the bridges already erected at the said town, or at the town of Falmouth."

From this statement of the authority granted to the rail-road company, it is evident to the committee, that in the erection of the bridge of which the memorialists complain, the company are exercising only the powers conferred by their charter. Indeed from the fact of the mention of a bridge across the Rappahannock, and the especial restriction imposed upon the company in the charter, in the erection of such bridge, it appears manifest to the committee that the subject of the complaint of the memorialists was in the contemplation of the legislature when the charter was granted.

From information derived from the president of the rail-road company, the committee learn that when the road was about to be located, the constituted authorities of Fredericksburg were consulted, and the subject of the effect of the erection of this bridge, and of the location of this road, was duly considered—especially so far as such erection would probably affect the navigation of the Rappahannock river—similar consultations and interviews were had with different influential citizens of Fredericksburg and Falmouth. The understanding was distinctly had, between the officers of the company and the authorities of Fredericksburg and the town of Falmouth, that the road and the bridge should be located and constructed, as has been done by the company. Agreeably thereto the company have commenced the work of constructing the road and building the bridge, and for that purpose have expended considerable money and labour, not only in erecting the bridge and constructing the road near the residence of the memorialists, but also between Fredericksburg and the point of termination of the rail-road on the waters of the Potomac. The memorialists do not allege any breach of this understanding between the rail-road company and themselves, either by the change of location of the road, or in the mode of erecting the bridge, but assert what may be the probable consequences from the acts of the company. These acts were anticipated by the legislative authority, and the power and privilege of performing them granted by the charter; they were moreover the subject of treaty and arrangement between the memorialists and the

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company. What may be the effect of the erection of the bridge it is not practicable for the committee to ascertain. The company by its officers deny that the effect will be as the memorialists allege, and admitting that the filling up of the river should follow the erection of the piers upon which the bridge is to rest, it by no means follows that such piers will cause any obstruction to the navigation of the river. The river is navigable only to the head of tide-water, and any deposite caused by an obstruction to the stream will be made at that point, where the current and the tide meet. That point is above the head of ship navigation. And from the character of the land bordering on the Rappahannock, being liable to wash, and the experience of the country as represented to the committee, it is deemed probable, that the river will gradually fill up to an uncertain distance below that point where the current meets the refluent tide. Indeed the committee understand, that the deposite has already begun to be made above the location of the bridge in question, and it remains to be determined by time, how far it will extend, but the opinion appears reasonable, that no other than a sudden formation to a greater extent than could possibly happen from the ordinary deposite of alluvial matter, ought or should be ascribed to any obstructions offered by objects placed in the stream.

Admitting, however, the complaints of the memorialists to be well founded, the question arises what *legislative remedy* can be adopted. The memorialists ask that some "restraining" act of legislation be adopted. The committee are not aware of any such power residing in the legislature. The company are in the exercise of such rights and privileges as are conferred by their act of incorporation, and not assuming any beyond those expressly granted. The legislature might very properly have denied the power to build the bridge in question, or have accompanied the grant of such power with any conditions deemed at the time prudent or expedient. Such power and right have, however, been granted unconditionally, and it is beyond the legislative authority to forbid their exercise, or to investigate any alleged abuse of them. Had the legislature the power or authority for such investigation, it would be inconvenient and impracticable to exercise it. Questions of fact and of private right, are not properly and justly determinable by *ex parte* representations, and information not liable to that objection cannot well or conveniently be communicated to the legislature.

It has been suggested to the committee that it was competent to the legislature to refuse certain applications for its aid made by the rail-road company, unless the company would guard against the injuries or evils apprehended by the memorialists, or make the grant of such applications conditional for the protection of their rights and interests. For what purposes the company appeals to the legislature, the committee is not strictly informed, but admitting that such applications are for aid to effect the general purposes for which the company was incorporated, it does not seem just or proper to the committee to make the grant of such aid, to be conditioned that the evils or injuries anticipated by the memorialists shall not be experienced by them. This rail-road is an important and an expensive improvement. In it the state has an interest of considerable magnitude—individuals have made investments to a large amount—the completion of the enterprise by the route commenced may be the most desirable and profitable—the grant of the applications by the company for aid may be essential to the prosecution and profitable completion of the road. A regard for the interests of the state and of the individual stockholders equally forbid that legislative aid should be withheld because in the prosecution of this work, a portion of the community *may perchance* experience evil from certain improvements necessary to the completion of the work. And in this case must be added the consideration that the memorialists interposed no objections until the work commenced, or if they did, they were satisfied by the assurances and promises of the agents of the company.

The memorialists are not however without remedy for any injury which they may experience either as individuals or as a community. For any invasion of their rights as individuals the charter furnishes a remedy. For any injury experienced by the community, affecting either its health or its property, it is apprehended that the corporation is amenable to the courts of the commonwealth, to whom it is conceived belongs the legal authority to abate the cause of such public evil. Moreover "to prevent any injury that cannot be adequately compensated in damages," the courts may interpose by injunction. In some one of the numerous remedies provided by the law for the maintenance and protection of the rights, public and private, of persons and property, it is apprehended that the memorialists can seek and find that relief which they desire, and to which they may be entitled.

The committee were desired by the parties interested to submit upon the subject of the memorial a special report. To this request must be assigned the departure from their usual mode of proceeding, simply submitting a resolution, without setting forth the reason for the same.

For the reasons set forth in this report, the committee recommend the adoption of the following resolution:

Resolved, That the prayer of the memorial be rejected.

The following report of the committee on the militia laws was read and agreed to:

The committee on the militia laws have considered the resolution, to them referred, directing them to enquire into the expediency of forming a regiment in the county of Pulaski, out of parts of the 36th and 75th regiments, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That it is inexpedient to form said regiment; as the authority to do so is, under the existing laws, conferred on the executive.

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The following reports of the committee of roads and internal navigation were read and agreed to:

The committee of roads and internal navigation have, according to order, had under consideration the petition of sundry citizens of the county of Loudoun, praying a revisal and amendment of the road laws of the commonwealth; and that a property tax be assessed by the respective county courts, to be applied to the opening and repairing of roads and the construction of bridges: Whereupon,

Resolved as the opinion of this committee, That said petition be rejected.

The committee of roads and internal navigation have according to order enquired into "the propriety of directing the foreclosure of the mortgage on the road from the mouth of Fishing creek on the Ohio river to the state line in the direction of Smithfield:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient to direct a foreclosure of said mortgage before the 1st of July 1841.

Several reports of the committee for courts of justice, rejecting the petitions of Levi Blankenship, of Reese Browning and of Daniel D. Jones, were, on motions severally made ordered to be recommitted.

The following bills were read the first and ordered te be read a second time, viz:

No. 138. A bill giving jurisdiction to justices of the peace in actions of trespass upon real and personal property.

No. 139. A bill amending the act authorizing the county court of Monongalia county to raise money for certain purposes.

No. 140. A bill divorcing Benjamin Wright from his wife Mariann.

No. 142. A bill incorporating the trustees of Richmond college.

No. 143. A bill to repeal the act, entitled "an act concerning the Hampton academy."

No. 144. A bill increasing the tolls of the Petersburg rail-road company.

No. 145. A bill to incorporate the society for the relief of the widows and orphans of clergymen in the diocese of Virginia.

No. 146. A bill providing for certain alterations to the hall of the house of delegates and to the interior of the capitol.

No. 147. A bill concerning Verlinda Perry.

No. 148. A bill to authorize a separate election at Mangohick in the county of King William.

No. 149. A bill concerning John Seabrook.

No. 151. A bill providing for the erection of a steward's house and for furnishing a supply of water for the Virginia military institute.

No. 152. A bill incorporating the Preston rail-road, lumber and mining company.

No. 154. A bill exempting firemen in the borough of Norfolk from serving on petit juries in civil cases.

No. 155. A bill amending the laws concerning slaves, free negroes and mulattoes.

No. 156. A bill releasing John Murdaugh from the penalties of the duelling act.

No. 157. A bill to incorporate the Tazewell White sulphur springs company.

No. 158. A bill incorporating the Sweet springs and Salt Sulphur turnpike company.

No. 159. A bill to incorporate French's hotel company in the borough of Norfolk; and

No. 160. A bill to amend the act, entitled "an act to amend the several acts concerning slaves, free negroes and mulattoes," passed 11th March 1834.

No. 150. A bill establishing the county of ——— of parts of the counties of Monongalia and Harrison, was read the first and second times on motion of Mr. Ramey, and ordered to be committed.

Several reports of the committee for courts of justice rejecting resolutions relative to the application of John H. Markle for the investment of certain money in lands in Missouri; concerning notices in cases of indeterminate leases; and in relation to the securing of ferry boats at night, were on motions severally made ordered to be laid upon the table.

On motion of Mr. Butts the house adjourned.

SATURDAY, February 15, 1840.

A communication was received from the senate by their clerk:

IN SENATE, February 14, 1840.

The senate have passed the bills, entitled,

"An act concerning the preservation of records;" and

"An act to incorporate the Western Virginia silk and agricultural company," with amendments, in which they request the concurrence of the house of delegates.

The said first bill and amendments were, on motion of Mr. Hodges, laid upon the table.

The said amendments to the last bill were severally agreed to.

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Ordered, That the clerk inform the senate thereof.

Mr. WHITE, according to order, presented the following bill:

No. 225. A bill to amend the act, entitled "an act to incorporate the Hanover and Henrico exploring and mining company."

Mr. BEARD from the committee of roads and internal navigation reported with amendment the following bill:

No. 90. A bill to amend the charter of the James river and Kanawha company.

Also presented the following bills:

No. 226. A bill to amend the several acts concerning the Portsmouth and Roanoke rail-road company; and

No. 227. A bill incorporating the New Market and Buffalo springs turnpike company.

On motion of Mr. BAYLY the report of the select committee on the governor's message relative to a demand made by the executive of this state upon the governor of New York for the surrender of certain fugitives from justice, was taken up and made the order of the day for Thursday next.

On motion of Mr. M'CUE the report of the committee on the militia laws, rejecting the petition of sundry citizens of the county of Augusta, praying that a new regiment may be created out of the 32d and 93d regiments, was taken up and ordered to be recommitted.

On motion of Mr. WORTHINGTON the following report of the committee for courts of justice was taken up and read:

The committee for courts of justice have, according to order, had under consideration the application of John H. Markle, an infant, to them referred, that the county court of Bedford be empowered to decree an investment for his benefit, in real estate in the commonwealth of Missouri, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the application aforesaid be rejected.

The said resolution was amended, on motion of Mr. BURWELL *of Bedford*, by striking out the words "*be rejected*" and inserting in lieu thereof the words "*is reasonable*," and as amended agreed to by the house, and a bill ordered to be brought in conformably therewith.

Mr. GOODE from the committee of schools and colleges presented a report upon the resolution for appropriating vacant lands to purposes of education; and the following bills:

No. 228. A bill incorporating the trustees of the Blacksburg female academy; and

No. 229. A bill incorporating the Roanoke circulating library company.

On motion of Mr. GOODE the committee of schools and colleges was discharged from the consideration of "the memorial of sundry citizens of Norfolk county upon the subject of schools, praying for a liberal and extensive system of education in the commonwealth;" of the "petition of sundry citizens of Halifax for a revision and amendment of the present system of common schools;" of "a petition of sundry citizens of Halifax for an enlarged and more efficient system of primary schools;" of "a petition from sundry citizens of Norfolk on the subject of increased appropriations to primary and intermediate schools;" and of "a petition of fifty-two citizens of the county of Westmoreland, praying for a revision of the law in relation to the glebe funds and the primary school system;" and from the resolution for establishing the district free school system; and the said petitions and resolution were laid upon the table.

On motion of Mr. SCOTT, *Resolved*, That the committee for courts of justice be directed to enquire into the expediency of providing by law a more efficient and expeditious mode of giving notices to take depositions in suits in chancery and to attend the taking accounts before commissioners.

Mr. BEARD and Mr. GOODE each announced to the house that the committees of roads and internal navigation and of schools and colleges having finished the business before them had no further use for a clerk, and that officer was therefore discharged from farther attendance upon the said committees.

On motion of Mr. BUTTS the fifth rule of the house was suspended, and the vote concurring with the report of the committee for courts of justice in rejecting the petition of Mary Pruden was reconsidered.

A motion was then made by Mr. SMITH *of Isle of Wight* to amend the same so as to reverse the decision of the committee, and the question being put thereupon was determined in the negative, and the said resolution was again agreed to.

Mr. MAY from the committee for courts of justice reported that the said committee had taken into consideration a bill

No. 174. To authorize George M. Carrington and William Walker to establish a ferry across James river at Richmond, and had adopted a resolution recommending the rejection of the same.

Also presented the following bills:

No. 230. A bill concerning Edward Chapman.

No. 231. A bill to amend the several acts concerning the court of appeals, and the taking and trying appeals in chancery cases, and for other purposes.

The said last bill was taken up, read the first and ordered to be read a second time.

On motion of Mr. ALLYN *of Norfolk* leave was granted to William Davis and wife to withdraw their petition presented at the last general assembly.

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No. 68. An engrossed bill concerning the publication of deeds; and

No. 127. An engrossed bill concerning Squire Sayre, were severally read and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The house according to the joint order of the day, proceeded by joint vote with the senate to the election of a first and second auditor, a treasurer, register of the land-office and secretary of the commonwealth and librarian, and on motion of Mr. BEARD the rule of the house, requiring but one vacancy to be filled at a time, was suspended. Mr. BEARD then nominated *James E. Heath* as first auditor, *James Brown, jr.* as second auditor, *Lawson Burfoot* as treasurer, *Stafford H. Parker* as register of the land-office, and *William H. Richardson* as secretary of the commonwealth and librarian; and the senate having been informed thereof by Mr. Beard, and they having agreed to the mode of election indicated, and no person having been added to the nomination in that house, the vote was recorded as follows:

For the several Nominees—Messrs. Gilmer, (speaker,) Southall, Carpenter, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Worthington Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Smith of Mason and Jackson, Baskerville, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Michaux, Venable, Roberts, Heath, Ratcliffe, Sturm, Walden, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—114.

Ordered, That Messrs. Beard, Stuart, Clayton, Lockridge, Flood and Prince be a committee to act jointly with a committee from the senate to ascertain the state of the joint vote.

Mr. BEARD subsequently from the said committee, reported the joint vote to be for the several nominees 139; thereupon JAMES E. HEATH was declared duly elected auditor of public accounts; JAMES BROWN, jr. duly elected second auditor; LAWSON BURFOOT duly elected treasurer; STAFFORD H. PARKER duly elected register of the land-office; and WILLIAM H. RICHARDSON secretary of the commonwealth and librarian, each for one year.

No. 83. An engrossed bill providing for taking the sense of the citizens of King William county upon the removal of the seat of justice for said county, was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The speaker laid before the house a communication from the principal engineer in answer to the resolution of yesterday, affording information relative to the loss of the bridge on the Northwestern road across Elk creek at its mouth in the county of Harrison, which on motion of Mr. LEE was ordered to be referred to the committee of roads and internal navigation.

No. 113. A bill, entitled "an act concerning the preservation of records," with the senate's amendments thereto was taken up, and the said amendments being severally amended on motion of Mr. MAY, were as amended agreed to.

Ordered, That the clerk inform the senate thereof, and request their concurrence in the said amendments to their amendments.

No. 97. A bill concerning lotteries, was taken up on motion of Mr. MAY and read a second time; thereupon he offered a substitute therefor, and on motion of Mr. SCOTT the said bill and substitute were laid upon the table, and the said substitute was ordered to be printed.

No. 82. A bill charging real assets with the payment of simple contract debts, and declaring the mode of administering the same, with the amendments thereto proposed by the committee for courts of justice, was taken up, and the said amendments being agreed to, the same as amended was ordered to be engrossed.

No. 74. A bill incorporating the Patterson's creek turnpike company, was taken up and ordered to be engrossed.

No. 112. A bill incorporating the Lewisburg savings institution, society or bank, with the amendments thereto proposed by the committee on banks, was taken up, and the said amendments being agreed to, the same as amended was ordered to be engrossed.

No. 134. A bill establishing the county of ————, of parts of the counties of Harrison, Lewis and Wood, was taken up and ordered to be engrossed.

No. 118. A bill incoporating the Mercantile library association of Richmond; and

No. 119. A bill concerning the water works of the city of Richmond, were in like manner ordered to be engrossed.

No. 61. A bill amending the charter of the town of Winchester, with the amendments thereto proposed by

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the committee for courts of justice was taken up, and the said amendments being agreed to, the said bill was farther amended on motion of Mr. Scott, and as amended ordered to be engrossed.

The following bills were read a second time and ordered on motion of Mr. May to be recommitted.

No. 120. A bill concerning western land titles; and

No. 121. A bill increasing the reward for apprehending runaways in certain cases.

No. 123. A bill to amend an act, entitled "an act for the better organization of the militia," was read a second time; thereupon an amendment was submitted by Mr. M'Rae; and the said amendment being under consideration,

On motion of Mr. M'Millan the house adjourned.

MONDAY, February 17, 1840.

A communication from the senate by their clerk:

IN SENATE, February 15, 1840.

The senate have passed the bill, entitled,

"An act making further provision for completing the eastern section of the road on the route surveyed from Huntersville to Parkersburg," with an amendment, in which they request the concurrence of the house of delegates.

On motion of Mr. Taylor *of Halifax* the said bill and amendment was laid upon the table.

On motion, *Ordered*, That leave of absence from the service of this house be granted to Messrs. Jackson of Wood, and Smith of Mason and Jackson for the remainder of the session, from to-morrow, and to Mr. Walden from to-day.

On motion of Mr. Beard the committee of roads and internal navigation was discharged from the petition of citizens of the county of Randolph for a change of location of the Staunton and Parkersburg road, and the same was laid upon the table.

Mr. Beard from the same committee presented a report upon the memorial of the convention held at Giles courthouse; and the following bill:

No. 231. A bill to provide for rebuilding the bridge on the Northwestern turnpike road across Elk creek, in the county of Harrison.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented a report upon the petition of Samuel Freeman.

Mr. Allyn *of Norfolk* presented a memorial from citizens of the borough of Norfolk for an amendment of the charter of said borough.

Also a report of the court of said borough, relative to the restrictions upon the ferry of the said borough.

Mr. Spotts presented documents in relation to the boundary line and the incorporation of the town of Jeffersonville, in the county of Tazewell.

The said petition, report and documents were referred to the committee of propositions and grievances.

No. 111. A bill to convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock, and for other purposes, with the amendments thereto proposed was taken up, on motion of Mr. Seymour, and the said amendments being agreed to, and the same being further amended on his motion, was as amended ordered to be engrossed.

No. 82. An engrossed bill charging real assets with the payment of simple contract debts and declaring the mode of administering the same, was on motion of Mr. Bayly ordered to be laid upon the table.

The following engrossed bills were read the third time and passed.

No. 74. A bill incorporating the Patterson's creek turnpike company.

No. 112. A bill incorporating the Lewisburg savings bank.

No. 118. A bill incorporating the Mercantile library association of Richmond; and

No. 61. A bill to amend the charter of the town of Winchester.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 134. An engrossed bill establishing the county of ———— of parts of the counties of Harrison, Lewis and Wood, was read a third time; thereupon a motion was made by Mr. Armstrong that the further consideration thereof be indefinitely postponed, and the question being put thereupon was determined in the affirmative.

Resolved, That said bill be rejected.

No. 119. An engrossed bill concerning the water works of the city of Richmond was read a third time; thereupon a clause by way of ryder thereto was submitted by Mr. Robertson, which was read the first and second times, and an amendment by way of substitute therefor was offered by Mr. May, and the said bill and proposed ryder and amendments were laid upon the table.

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No. 161. A bill divorcing Mary Eanes from her husband George H. Eanes, was read the first and ordered to be read a second time.

The following report of the committee for courts of justice was read and agreed to:

The committee for courts of justice have according to order had under consideration the petition of Anderson Taylor to them referred, asking to be permitted to remain in the commonwealth, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected—the county and corporation courts of the commonwealth being clothed with the power of granting the permission asked for.

Further reports of said committee rejecting the petitions of Elizabeth A. Binns, and of Philip Robertson, were on motions severally made ordered to be laid upon the table.

The following reports of the committee of claims were read and agreed to:

The committee of claims have according to order had under consideration the petition of George Hughart of the county of Fayette to them referred, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the petition of the said George Hughart, stating that he acted as a ranger or spy on the frontier of Virginia in the year 1793, and is now poor, old and infirm, and praying to be allowed a pension for his future support, be rejected.

The committee of claims have according to order had under consideration the petition of Randolph Chavis and others, heirs of John Chavis deceased, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the petition of the said Randolph Chavis and others, praying the passage of an act directing the renewal of a certificate issued to their father, John Chavis, for the sum of £89. 4*s*. 0½*d*.; and a certificate issued to Anthony Chavis for the sum of £24, for the services of the said John and Anthony Chavis rendered as soldiers during the revolutionary war, be rejected.

The following reports of the committee of finance were read and agreed to:

The committee of finance have, according to order, had under consideration the petition of Richard B. Baptist, to them referred, representing that he acted as the principal deputy of Stephen P. Pool, sheriff of the county of Mecklenburg, from March 1836 to March 1837. And praying that the insolvent militia fines for that year, amounting to $93 75, not returned within the time prescribed by law, for reasons in the petition set forth, and subsequently paid into the treasury, may be allowed him: Whereupon,

Resolved, That this committee ask leave to be discharged from the further consideration of said petition; the 3d section of the "act concerning claims against the commonwealth," passed March 20th, 1838, providing for such cases.

The committee of finance have had under consideration "the communication from Josiah Holleman, president of the board of principal assessors," to them referred, in relation to the charters of joint stock and other incorporated companies of this commonwealth: Whereupon it appearing to this committee that the duty of the board of principal assessors is confined to the consideration of the assessments on the books of the assistant assessors, and to the equalization of the assessments amongst the counties of the four great districts of the state:

Resolved therefore as the opinion of this committee, That it is inexpedient, at this time, to take any action upon this subject; and that they ask leave to be discharged from the further consideration thereof.

The committee of finance have, according to order, "enquired into the expediency of requiring the board of principal assessors, now in session in this city, to state in the margin of their tables of assessment, the sum added to each tract, on account of minerals—and of providing that the commissioners of the revenue, when these minerals become valueless, shall deduct the sum so added:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient so to require the said board.

The committee of finance have, according to order, "enquired into the expediency of so amending the revenue laws, as to make it the duty of the sheriffs, or other collectors of the revenue, to credit on all bills for taxes, which they may hereafter collect, the day and date on which such collection is made:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient so to amend the revenue laws.

A further report of the same committee rejecting the petition of John W. Headen and others of the county of Floyd, was

On motion of Mr. Howell ordered to be laid upon the table.

The following report of the committee of privileges and elections was read and agreed to:

The committee of privileges and elections have had under consideration the resolution of the house of delegates, instructing them "to enquire into the expediency of so amending the 17th section of the general election law as to provide that no elector be permitted to vote more than once on the same day and at the same place, or any other place within his county or election district, although he may not have voted for all the various candidates then present that he may by law be entitled to vote for:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the general election law as proposed by the foregoing resolution.

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A further report of said committee was read as follows:

The committee of privileges and elections have examined the returns of the sheriffs of the several counties in this commonwealth of delegates to represent the said counties in the present house of delegates, and find that there are returns from the counties of Alleghany, Augusta, Bath, Bedford, Berkeley, Braxton and Lewis, Brooke, Brunswick, Buckingham, Cabell, Campbell, Charles City and New Kent, Clarke and Warren, Culpeper, Dinwiddie, Elizabeth City and Warwick, Essex, Fayette and Nicholas, Fluvanna, Frederick, Giles and Mercer, Gloucester, Goochland, Grayson, Greensville, Hampshire, Hardy, Harrison, Henry, Jefferson, Kanawha, King and Queen, King George, King William, Lancaster and Richmond, Logan, Loudoun, Louisa, Madison, Marshall, Mathews and Middlesex, Mason and Jackson, Mecklenburg, Monongalia, Morgan, Norfolk, Northumberland, Nottoway, Page and Patrick, Pendleton, Pittsylvania, Powhatan, Preston, Prince George, Prince William, Rappahannock, Rockingham, Russell, Scott, Shenandoah, Southampton, Stafford, Sussex, Tazewell, Tyler, Westmoreland, Wood, and Wythe and Pulaski; and from the city of Richmond, the town of Petersburg and the borough of Norfolk, all of which are in the form prescribed by law, or to the same effect.

It also appears to your committee that there are returns from the counties of Amelia, Chesterfield, Franklin, Hanover, Henrico, Isle of Wight, Lee, Lunenburg, Pocahontas, and Surry, which are not in the form prescribed by law, in this, that the returning officers have failed to affix their seals to their names as is required by law.

And it also appears to your committee that there are no returns from the counties of Accomack, Albemarle, Amherst, Botetourt, Caroline, Charlotte, Cumberland, Fairfax, Fauquier, Floyd, Greenbrier, Halifax, James City, York and city of Williamsburg, Monroe, Montgomery and Pulaski, Nansemond, Nelson, Northampton, Ohio, Orange and Greene, Prince Edward, Princess Anne, Randolph, Roanoke, Rockbridge, Smyth, Spottsylvania, and Washington.

Your committee have also examined the certificates of the oaths of the members, and find that John F. May took the oaths on the 18th, and Alfred Leyburn, William D. Hodges and Thomas W. Gilmer on the 30th of November; that Arthur Smith, Jacob J. Jackson, Anthony Lawson, Henry D. Smith, Richard H. Toler, William Massie, Wyndham Robertson, Samuel Bare, Samuel Carpenter, Thomas Whitworth, William L. White, William B. Hudnall, Richard E. Byrd, James H. Cox, Jonas Aleshire, John Stanger, William Hamlett, John C. Staples, William Roberts, David P. Wright, John J. Jackson, Robert B. Corbin, Ralph M. Conn, Nathaniel E. Venable, Joshua Ewing, Robert L. Baker, Augustine C. Butts, George Alderson, Augustus A. Chapman, Valentine W. Southall, Alexander Fitzhugh, John Carroll, Nathaniel Burwell, Thomas T. Cropper, William S. Fontaine, Daniel Ratcliffe, William Wade, Joseph Lipscomb, Robert A. Banks, James Evans, John M'Millan, Henry Snyder, John Howell, Henry Wood, Thomas H. Bayly, William M'Connell, Edmund Broadus, Clayton G. Coleman, Edward H. Smith, James C. Shipman, Wyatt Cardwell, George W. Kyle, Van B. Reynolds, Thomas P. Mitchell, George H. Lee, Thomas H. Flood, Samuel E. Goodson, Edward A. Cabell, H. G. Heath, William G. Walker, Nehemiah Smith, John J. Prince, William Meredith, James S. Clarke, John Keene, Barrett G. Payne, John R. Taylor, Benjamin Tallman, Robert Ridley, David Gibson, William Lockridge, George B. Stewart, Franklin M'Cue, William Walden, Lawrence Roane, Henry Myers, William C. Worthington, Sherwin M'Rae, Henry T. Harrison, Lewis Beard, Paul Taylor, Charles King, George T. Yerby, William H. Clark, Allen Wilson, Oscar M. Crutchfield, James K. Marshall, William H. Tayloe, Edward T. Tayloe, Robert E. Scott, Edward J. Armstrong, Harman Hiner, Joseph T. Allyn, Thomas Fox, John Clayton, John Scott, James M. Stephenson, Charles Quillen, Solomon Thornburg, William Carroll, John M. Gregory, Samuel Watts, William Etheridge, Jacob Myers, William Seymour, Anthony Kennedy, John Wade, William M. Burwell, Edmund P. Hunter, Hiram A. Griever, Samuel Hale, James Allen, Henry Sturm, John Powell, Whitmell P. Tunstall, and James C. Spotts took the said oaths on the 2d; John Orgain, Sanford J. Ramey and William R. Baskerville on the 3d; William O. Goode and Joseph Hiden on the 4th; Thomas Smith and Carter Crafford on the 6th; William Fitzgerald on the 9th; Henry Erskine on the 10th; Creed Haskins and John Guerrant on the 14th; and upon his return under a writ of election on the 29th December 1839; and that Jacob Michaux took the said oaths on the 2d day of January 1840.

On motion of Mr. Beard the said report was laid upon the table.

No. 123. A bill to amend an act, entitled "an act for the better organization of the militia," with the amendment thereto proposed by Mr. M'Rae, which was under consideration when the house adjourned on Saturday, was taken up; and the said amendment being rejected, and the said bill being further amended,

On motion of Mr. Byrd the house adjourned.

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TUESDAY, February 18, 1840.

A communication from the senate by their clerk:

IN SENATE, February 17, 1840.

The senate have passed the bill, entitled,

"An act incorporating the Hot springs company in the county of Bath."

On motion of Mr. Meredith, *Resolved*, That the committee of propositions and grievances be instructed to enquire into the expediency of increasing the compensation allowed by law to the overseers of the poor.

On motion of Mr. Taylor *of King George*, *Resolved*, That the clerk of the house procure from the library two of the large maps of the state to be suspended in this hall.

On motion of Mr. Guerrant, *Resolved*, That leave be given to bring in a bill to change the time of holding the fall term of the circuit superior court of law and chancery for the county of Goochland, and that Messrs. Guerrant, Lipscomb, Payne, Michaux, Wilson and Robertson prepare the same.

On motion of Mr. Erskine, *Resolved*, That the committee for courts of justice enquire into the expediency of repealing so much of the law as appoints the clerk of the court of appeals at Lewisburg, librarian, and to authorize said court to appoint a librarian.

Mr. Guerrant presented a petition of citizens of the county of Goochland, in behalf of Eliza a free woman of colour, asking permission for her to remain in the commonwealth, which was referred to the committee for courts of justice.

Mr. Spotts presented a petition of the citizens of the counties of Tazewell, Giles and Wythe, praying an amendment to the laws concerning the sale of ardent spirits so as to prevent its sale or distribution.

Mr. Erskine a similar memorial of citizens of western Virginia.

The said petitions were on motion of Mr. Dorman ordered to be laid upon the table.

Mr. Venable presented a memorial of a committee of the commercial convention in October 1838, praying an amendment in the law relative to licenses to merchants, which was referred to the committee on trade and mechanic arts.

Mr. King presented a memorial of citizens of the county of Mercer, remonstrating against attaching a part of said county to the county of Tazewell, which was referred to the committee of propositions and grievances.

Mr. Robertson presented a petition of the common council of the city of Richmond, asking the passage of a law granting them authority to prohibit the erection of wooden buildings in said city, which was referred to the committee for courts of justice.

Mr. Wilson from the committee on agriculture and manufactures presented the following bill:

No. 232. A bill providing for the appointment of inspectors of plaister of paris.

Mr. Dorman from the committee of finance presented several reports upon the petition of citizens of the county of Harrison concerning the publication of county receipts and expenditures; of citizens of the county of Preston in behalf of Ignatius Gahring praying to lessen the tax on a license for selling brass clocks; and upon the petition of sundry citizens praying the repeal of all laws licensing the sale of ardent spirits, and to prohibit the further sale and distribution thereof.

No. 119. An engrossed bill concerning the water works of the city of Richmond, with the ryder thereto proposed by Mr. Robertson, and the substitute therefor offered by Mr. May, was taken up, and the said substitute being withdrawn, a further substitute was submitted by Mr. Scott, which was adopted by the house, and the question being put upon engrossing the said ryder as amended was determined in the negative.

The question was then put upon the passage of the said bill and was determined in the negative.

On motion of Mr. Chapman the vote thereupon was recorded as follows:

Ayes—Messrs. Southall, Cabell, Stuart, Lockridge, Myers of Berkeley, Hunter, M'Millan, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Marshall, Scott, Alderson, Payne, Baker, Byrd, Guerrant, Erskine, Clark of Halifax, Gibson, White, Seymour, Hamlett, Worthington, Kennedy, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Caldwell, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hiner, Keen, Michaux, Venable, Ratcliffe, Sturm, Robertson, Leyburn, Dorman, Smith of Rockingham, Stephenson, Walker, Jackson of Wood, and Stanger—55.

Noes—Messrs. Gilmer, (speaker,) Bayly, Carpenter, M'Cue, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Cox, Roane, Howell, Hale, King, Carroll of Grayson, Butts, Taylor of Halifax, Allen of Hampshire, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Reynolds, Fontaine, Ramey, Harrison, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Hudnall, Fitzgerald, M'Connell, Hiden, Aleshire, May, Tallman, Carroll of Preston, Heath, Snyder, Shipman, Smith of Russell, Conn, Griever, Clarke of Surry, Prince, Spotts and Goodson—59.

Resolved, That said bill be rejected.

No. 48. A bill concerning levies for the building of bridges and causeways, with the amendments thereto proposed by the senate, was taken up on motion of Mr. Broadus, and the said amendments being read were agreed to.

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Ordered, That the clerk inform the senate thereof.

Mr. CARDWELL from the committee on enrolled bills reported that said committee had examined sundry such bills from No. 1 to 60, inclusive, and had found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination.

No. 111. An engrossed bill to convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock and for other purposes was read a third time, and the question being put upon its passage was determined in the negative.

On motion of Mr. VENABLE the vote was recorded as follows:

AYES—Messrs. Lockridge, Myers of Berkeley, Hunter, M'Millan, Burwell of Clarke and Warren, Broadus, Marshall, Scott, Alderson, Baker, Byrd, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Lawson, Beard, Ramey, Harrison, Lipscomb, Evans, Chapman, Myers of Morgan, Allyn of Norfolk borough, Watts, Hiner, Keen, Tallman, Sturm, Robertson, Leyburn, Dorman, Shipman, Smith of Russell, Conn and Bare—43.

NOES—Messrs. Bayly, Cropper, Southall, Carpenter, Cabell, M'Cue, Stuart, Burwell of Bedford, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Wilson, Whitworth, Crafford, Roane, Howell, Hale, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, White, Smith of Isle of Wight, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Wade of Montgomery and Pulaski, Hodges, Massie, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, May, Michaux, Venable, Heath, Ratcliffe, Snyder, Smith of Rockingham, Quillen, Clarke of Surry, Prince, Spotts, Stephenson, Walker and Stanger—65.

Resolved, That said bill be rejected.

The speaker laid before the house a communication from the second auditor transmitting a statement in relation to such of the joint stock companies, in which the state is interested, as have failed to make reports to the board of public works, which, on motion of Mr. RATCLIFFE, was laid upon the table and ordered to be printed. [Doc. No. 59.]

Mr. LEE presented a poll of citizens of the county of Harrison for and against the new county proposed to be formed of parts of the counties of Monongalia and Harrison, which was referred to the committee of propositions and grievances.

Mr. HUNTER presented a petition of William Thompson late deputy sheriff of Morgan county, praying the passage of a law authorizing him to be credited with a delinquent land list, which was ordered to be referred to the committee of finance.

On motion of Mr. GOODE, *Resolved*, That the superintendent of public buildings examine the condition of the government house, as well as the furniture therein, and report to this general assembly what repairs are necessary to be made to said house, as well as the additional furniture to be procured, together with an estimate of the probable cost, designating between the cost of repairs to the house and the cost of furniture.

On motion of Mr. COX, *Resolved*, That this house will proceed, by joint vote with the senate, on Wednesday the 26th instant, to the election of a general agent and storekeeper, and superintendent of the penitentiary.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. COX from the committee appointed to examine the penitentiary presented a report.

Mr. WILSON from the committee on agriculture and manufactures presented a report upon the resolution for declaring a portion of the Kanawha river a lawful fence; and the following bill:

No. 233. A bill to authorize the use of paint in putting brand marks on casks of flour and indian meal.

On motion of Mr. ARMSTRONG the house adjourned.

WEDNESDAY, FEBRUARY 19, 1840.

A communication from the senate by their clerk:

IN SENATE, FEBRUARY 18, 1840.

The senate have passed the bill, entitled

"An act concerning the publication of deeds," with an amendment, in which they request the concurrence of the house of delegates.

They agree to the first and second amendments proposed by the house of delegates, to their amendments to the bill, entitled

"An act concerning the preservation of records."

They also agree to the third amendment, with an amendment, in which they request the concurrence of the house of delegates.

The said amendments were severally agreed to.

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Ordered, That the clerk inform the senate thereof.

Mr. MAY from the committee for courts of justice reported with amendments the following bills:

No. 120. A bill concerning western land titles; and

No. 121. A bill increasing the reward for apprehending runaways in certain cases.

And presented reports upon resolutions concerning the delivery of free papers; in relation to a change of venue in cases of forcible entry &c.; and in relation to jailors fees; and the following bill:

No. 234. A bill concerning the return and trial of warrants in civil cases.

Mr. WATTS from the committee on the militia laws presented a report upon the petition of citizens of the county of Augusta, that a new regiment may be created out of the 32d and 93d regiments.

Mr. GUERRANT according to order presented the following bill:

No. 235. A bill to change the time of holding the fall term of the circuit superior court of the county of Goochland.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented reports upon the petition of citizens of the county of Princess Anne, and of citizens of Campbell, each for a separate election; and the following bills:

No. 236. A bill to change the place of holding a separate election in the county of Augusta; and

No. 237. A bill to authorize a separate election in each of the counties of Rappahannock, Halifax, Fairfax and Amherst.

Mr. GOODE from the committee of schools and colleges presented the following bill:

No. 238. A bill to carry into effect the provisions of the will of Martin Dawson deceased.

Mr. SOUTHALL from the select committee on the joint resolutions from the state of New Jersey presented a report, which on his motion was laid upon the table and ordered to be printed. [Doc. No. 60.]

No. 72. A bill, entitled "an act making further provision for completing the eastern section of the road on the route surveyed from Huntersville to Parkersburg," with the amendment thereto proposed by the senate was taken up on motion of Mr. MAY; thereupon a motion was made by Mr. CLARKE *of Surry*, that the farther consideration of the said bill and amendment be indefinitely postponed, and the question being put thereupon was determined in the negative.

On motion of Mr. CLARKE *of Surry* the vote was recorded as follows:

AYES—Messrs. Bayly, Meredith, Haskins, Kyle, Flood, Corbin, Cox, Burwell of Clarke and Warren, Howell, Butts, Taylor of Halifax, Smith of Isle of Wight, Wright, Lipscomb, Orgain, Banks, Baskerville, Goode, Myers of Morgan, Yerby, Hudnall, Fitzgerald, Heath, Snyder, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Crutchfield, Clarke of Surry, Prince and Goodson—32.

NOES—Messrs Gilmer, (speaker,) Southall, Carpenter, Cabell, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Toler, Fox, Cardwell, Broadus, Wilson, Crafford, Roane, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, King, Guerrant, Carroll of Grayson, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Allyn of Norfolk borough, Watts, Etheridge, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Ratcliffe, Sturm, Robertson, Leyburn, Dorman, Fitzhugh, Spotts, Stephenson, Walker and Stanger—74.

The said amendment proposed by the senate was then agreed to, and the clerk was ordered to inform the senate thereof.

No. 73. A bill authorizing a further subscription on behalf of the state to the stock of the Red and Blue Sulphur springs turnpike company, was taken up on motion of Mr. ERSKINE and read a second time, and the question being put upon ordering the same to be engrossed was determined in the negative.

On motion of Mr. PRINCE the vote thereupon was recorded as follows:

AYES—Messrs. Southall, Carpenter, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, M'Millan, Thornburg, Marshall, Scott, Alderson, Howell, Baker, Byrd, King, Carroll of Grayson, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Hamlett, Worthington, Kennedy, Reynolds, Lawson, Caldwell, Evans, Chapman, Wade of Montgomery and Pulaski, Allyn of Norfolk borough, M'Connell, Hiden, Hiner, Keen, Tallman, Sturm, Robertson, Leyburn, Dorman, Conn and Spotts—46.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Cabell, Burwell of Bedford, Mitchell, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Payne, Hale, Wade of Franklin, Guerrant, Butts, Taylor of Halifax, White, Smith of Isle of Wight, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Beard, Ramey, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Massie, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Aleshire, Michaux, Carroll of Preston, Heath, Walden, Snyder, Shipman, Smith of Russell, Quillen, Griever, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Stephenson, Goodson, Walker and Stanger—68.

Resolved, That said bill be rejected.

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The house according to the joint order of the day proceeded by joint vote with the senate to the election of a member of the executive council to supply the vacancy occasioned by the expiration of the term of service of *Henry L. Hopkins esq.*; thereupon Mr. CHAPMAN nominated *Henry L. Hopkins*; and the senate having been informed thereof by him, and no person having been added to the nomination in that house, the vote was recorded as follows:

For H. L. Hopkins—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Yerby, Hudnall, Fitzgerald, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—116.

For Peachy R. Grattan—Messrs. Toler and Robertson—2.

Ordered, That Messrs. Chapman, Robertson, Spotts, Carroll of Grayson, Heath, Alderson, Hiner and Hudnall, be a committee to act jointly with a committee from the senate to ascertain the state of the joint vote.

Mr. CHAPMAN from the joint committee reported the joint vote to be for *Henry L. Hopkins* 139; scattering 4; thereupon HENRY L. HOPKINS esq. was declared duly elected a member of the executive council for three years from and after the expiration of the term of service of the present incumbent.

No. 96. An engrossed bill to amend the several acts concerning ferries, was taken up on motion of Mr. MAY, read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

On motion of Mr. CHAPMAN the fifteenth rule of the house, which provides that "the speaker may call any member to the chair, who shall exercise its functions for the time; but no member, by virtue of such appointment, shall preside for a longer time than one day," was suspended for six days, so as to allow the speaker during that time to place a member in the chair for more than one day.

On motion of Mr. M'RAE the fifth rule of the house was suspended, and the vote rejecting the bill concerning the water works of the city of Richmond was reconsidered; thereupon, on motion of Mr. SMITH *of Isle of Wight*, the said bill was laid upon the table.

No. 99. A bill amending the laws concerning attachments against absent defendants was taken up, on motion of Mr. SCOTT, and ordered to be engrossed.

No. 6. An engrossed bill discharging Lillburn, otherwise called Lillburn Pleasants, from the penitentiary, was taken up, on motion of Mr. MAY, and read a third time and again laid upon the table.

The following bills were read the first and ordered to be read a second time, viz:

No. 162. A bill concerning Thomas Beazley a free man of colour.

No. 163. A bill authorizing additional compensation for the tuition of poor children.

No. 164. A bill providing for the payment of slaves condemned to transportation under the act concerning the circulation of incendiary publications.

No. 165. A bill authorizing femes covert to maintain suits in their own names when deserted by their husbands.

No. 166. A bill granting permission to certain slaves, emancipated by Jane Robinson deceased, to remain in the commonwealth.

No. 167. A bill authorizing the confession of judgments in the clerk's office, and for other purposes.

No. 168. A bill for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands.

No. 169. A bill amending the charter of the Appomattox coal mining company.

No. 170. A bill to authorize a ferry from the lands of William W. Wenner in the county of Loudoun across the Potomac river.

No. 171. A bill incorporating the Fallen creek manufacturing company.

No. 172. A bill concerning the lien of judgments, and limiting proceedings against special bail in certain cases.

No. 173. A bill authorizing the sergeant of the city of Williamsburg to appoint a deputy.

No. 175. A bill to amend the act, entitled "an act to establish the Bank of Kanawha."

No. 176. A bill incorporating the trustees of the Rockingham academy in the town of Harrisonburg.

No. 177. A bill incorporating the Danville savings institution.

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No. 179. A bill providing more effectually for the opening and repairs of the public roads in the county of Loudoun.

No. 180. A bill to incorporate the town of Point Pleasant in the county of Mason.

No. 181. A bill to authorize two separate elections in the county of Prince George.

No. 182. A bill to amend the several acts concerning the solemnization of marriages.

No. 184. A bill to revive the act, entitled "an act authorizing John Whitaker to erect a toll bridge across Peak creek in the county of Wythe."

No. 185. A bill to revive the act, entitled "an act incorporating the Sweet and Blue Sulphur springs turnpike company."

No. 186. A bill concerning the Newbern and Red Sulphur springs turnpike company.

No. 187. A bill to amend the act, entitled "an act incorporating the Buchanan, Fincastle and Blacksburg turnpike company."

No. 189. A bill to amend the act reducing into one the several acts concerning slaves, free negroes and mulattoes.

No. 190. A bill for the support and education of poor girls within this commonwealth.

No. 191. A bill incorporating the Macon's mill and Cold Harbour turnpike company.

No. 192. A bill concerning the Baltimore and Ohio rail-road company.

No. 193. A bill appointing trustees for the town of New Market in the county of Shenandoah, and prescribing their powers and duties.

No. 194. A bill to regulate the exercise of the right of suffrage in elections of trustees for the town of Portsmouth.

No. 195. A bill providing for the payment to the Woodstock, Strasburg and New Market academies in the county of Shenandoah, the proportion of the surplus literary fund allotted to those academies by the school commissioners of the county.

No. 196. A bill to incorporate the town of Williamsport in the county of Harrison.

No. 197. A bill to revive the act incorporating the Hyco falls manufacturing company.

No. 198. A bill concerning Peter Kremer.

No. 199. A bill directing the suspension of surveys; and

No. 200. A bill to amend the act, entitled "an act to provide for the construction of a road from Ice's ferry on Cheat river to the Pennsylvania line."

The following reports were read and agreed to:

The committee for courts of justice have, according to order, had under consideration the petition of Joshua Webb, to them referred, praying the passage of an act authorizing him to convey certain lands in the county of Page, acquired by his marriage, and sold by him previous to the death of his wife, and to invest the proceeds of the sale of the same in such manner as the legislature may think proper, for the benefit of his children by the said marriage, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected—the courts of chancery having jurisdiction of the subject.

The committee for courts of justice have, according to order, enquired into the expediency of providing by law a limitation to the liability of assignors of bonds, bills and obligations: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to make such limitation.

The committee for courts of justice have, according to order, had under consideration the petition of William H. Chapman and Martha S. his wife, to them referred, praying to be divorced from each other, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected—no record of the finding of a jury accompanying the same.

The committee for courts of justice have, according to order, had under consideration the petition of Sally Sylvester and others, to them referred, praying that the commonwealth's right to certain lands in the county of Norfolk, may for certain reasons therein mentioned, be vested in the heirs of Henry Smith deceased, and submit the following report and resolution thereupon:

It does not appear that the commonwealth has ever had any conveyance for the lands of said Smith, said to have been sold under a judgment against him, so as to render the passage of an act necessary to release the title to his heirs. But it appears, by a certificate of the auditor, that Hoffler's representative has fully satisfied the said judgment, for which the said Smith was liable as Hoffler's security, so that the lands in the petition mentioned are no longer liable to the commonwealth. It will therefore be a sufficient discharge for the auditor to acknowledge satisfaction of the judgment on the record; or the petitioners may have any execution thereupon quashed, and have it specially stated that the judgment was proved or admitted by the auditor to be satisfied:

Resolved therefore, That the commonwealth having no title to the lands in the petition mentioned, it is unnecessary to pass any act to release the same to the petitioners.

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The committee for courts of justice have according to order had under consideration the petition of James Daniel to them referred, praying that he may be permitted to sell certain real estate therein mentioned, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have according to order enquired into the expediency of authorizing the overseers of the poor for the several counties of this commonwealth, to hold their annual meetings in the month of July, instead of the month of June, as is now required by law; also into the expediency of authorizing the county courts to lay their levies at the July term, if not laid or completed at the June term of said courts: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to grant the authority aforesaid.

The committee for courts of justice have according to order had under consideration the petition of William Stout and others to them referred, praying that Wilson M. Carter may be released from the payment of certain fines imposed upon him by the circuit superior court of law and chancery for the county of Louisa, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have according to order had under consideration a communication of Richard D. Sanxay esq. to them referred, proposing to furnish upon the terms therein mentioned, for the use of the commonwealth, a new edition of Hening's Justice, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the proposition of the said Richard D. Sanxay be rejected.

The committee for courts of justice have according to order enquired into the expediency of amending the act relative to free negroes, so as to authorize the clerks of the county courts to deliver them their papers of freedom only when they are about to remove from one county to another, or out of the state, and then by direction of the court: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the said act.

The committee for courts of justice have according to order had under consideration the petition of Mary Jones to them referred, praying to be divorced from her husband Israel Jones, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

A report of the committee of propositions and grievances was read as follows:

The committee of propositions and grievances have according to order had under consideration the petition of sundry inhabitants of the county of Chesterfield to them referred, complaining of the high tolls and ill condition of Mayo's bridge across James river at Richmond, and recommending that said bridge be purchased on state account, reconstructed in a permanent, safe and commodious manner, and placed upon such a footing, in respect to tolls, as shall produce a large amount by contributing largely to the convenience of many, rather than a small sum, by exacting as far as possible from the necessities of a smaller number, producing an income sufficient to repay the cost and expenses, and yield a fair profit upon the investment.

That, if this shall not seem proper to the general assembly, the petitioners then pray that a company may be incorporated, with authority to construct a new bridge, either above or below the site of the present bridge: Whereupon,

Resolved as the opinion of this committee, That the said petition be rejected for want of notice.

Reports of the committee of agriculture and manufactures were read as follow:

The committee for agriculture and manufactures have according to order enquired into the expediency of repealing all the laws providing for the inspection of tobacco: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to repeal the said laws.

The committee of agriculture and manufactures have according to order had under consideration the petition of a number of the citizens of the county of Rockbridge to them referred, praying that the James river within certain limits be declared a lawful fence, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected for the want of a sufficient notice.

A further report of said committee was read as follows:

The committee of agriculture and manufactures have according to order had under consideration the petition of citizens of the counties of Louisa and Spottsylvania to them referred, praying that the Northanna river, between Dabney's mills and Jordan's ford, may be declared a lawful fence, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected for the want of a sufficient notice.

The said resolution was agreed to, an *unsuccessful* motion having been made by Mr. CRUTCHFIELD to amend the same so as to reverse the decision of the committee.

The following reports of the committee of roads and internal navigation were read and agreed to:

The committee of roads and internal navigation have according to order enquired into "the expediency of

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authorizing a survey to be made by the principal engineer of the state, or by some competent engineer designated by him, of the most suitable and practicable route for a road from Bunker's Hill in the county of Berkeley, by Whitehall and the Green spring in the county of Frederick, to the Northwestern turnpike road; what public advantage will probably result therefrom, and the probable cost of constructing the same:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient to authorize said survey to be made.

The committee of roads and internal navigation have according to order had under consideration the petition of the president and directors of the Salem and Pepper's ferry turnpike company, and of sundry citizens of the county of Montgomery, praying such an amendment of the act incorporating the said company as to relieve the company from the necessity of constructing their road by the town of Lafayette, and to authorize them to conduct it on the north side of the Roanoke river; also the memorial of Charles L. Barnett and others, remonstrating against the proposed change in the location of said road: Whereupon,

Resolved as the opinion of this committee, That the aforesaid petition be rejected.

Resolved as the opinion of this committee, That the aforesaid counter-memorial is reasonable.

The committee of roads and internal navigation have according to order enquired into the expediency of amending the act, entitled "an act to provide for the construction of a road between Weston, in the county of Lewis, and Charleston, in the county of Kanawha," passed January the 19th, 1836: Whereupon,

Resolved as the opinion of this committee, That it is not expedient to amend the said act.

The committee of roads and internal navigation have according to order enquired into "the expediency of considering all roads that may be stopped for one year, without objection by written notice from some person within the year, be considered no longer public roads:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient to consider such roads as no longer public roads.

The following reports of the committee of claims were read and agreed to:

The committee of claims have had under consideration the resolution of the house of delegates, instructing them to "enquire into the expediency of allowing to the heirs of the late colonel Thomas Bullett, a compensation for his services as an officer during the revolutionary war" &c.: Whereupon,

Resolved, That it is inexpedient to allow to the heirs of the said colonel Thomas Bullett any compensation for his services during the revolutionary war.

The committee of claims have according to order had under consideration the petition of Audley Paul to them referred, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the petition of Audley Paul, praying that an act may pass directing a sum of money to be paid to him for his support, be rejected.

Reports of the committee for courts of justice rejecting the petitions of Mary W. Lawson and of Fabius Lawson were on motion of Mr. Worthington ordered to be laid upon the table.

A report of the committee of propositions and grievances upon the petitions of citizens of the counties of Hardy and Shenandoah, praying that a part of the county of Hardy be added to the county of Shenandoah, was on motion of Mr. Conn ordered to be laid upon the table.

A report of the committee of claims rejecting the petition of Richard S. Rew, was on motion of Mr. Bayly ordered to be laid upon the table.

The following bills were read the first and second times, and on motions severally made ordered to be committed to the committees which brought them in:

No. 178. A bill incorporating the Dunlap's creek turnpike company.

No. 183. A bill incorporating the trustees of Bethany college; and

No. 188. A bill to amend an act passed February 3d, 1809, entitled "an act to incorporate a company to establish a turnpike from the town of Leesburg in Loudoun county, to the Little river turnpike."

On motion of Mr. Stephenson, *Resolved*, That when this house adjourns to-day it will adjourn until to-morrow ten o'clock.

On motion of Mr. Fox the house adjourned.

THURSDAY, February 20, 1840.

Mr. Crutchfield took the chair at the request and in the absence of the speaker.

A communication from the senate by their clerk:

IN SENATE, February 19, 1840.

The senate have passed the bills, entitled,

"An act to increase and regulate the tolls on the Powhatan rail-road, and the Tuckahoe and James river rail-road."

"An act incorporating the Patteson's creek turnpike company."

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"An act incorporating the Wellsburg Jefferson seminary."

"An act to amend an act, entitled 'an act declaring Simpson's creek a public highway;'" and

"An act incorporating the Lewisburg savings bank."

They have also passed the bill, entitled,

"An act to prohibit betting upon elections," with amendments, in which they request the concurrence of the house of delegates.

They disagree to the amendment proposed by the house of delegates to their fourth amendment to the bill, entitled,

"An act concerning the duty of executors and administrators, and wills of personal estate."

And they have agreed to the resolution for the election of a general agent and storekeeper, and superintendent of the penitentiary.

The said amendments to the bill, entitled "an act to prohibit betting upon elections," were severally agreed to, and the clerk was ordered to inform the senate thereof.

The said amendment of the house to the fourth amendment of the senate to the bill, entitled "an act concerning the duty of executors and administrators, and wills of personal estate," to which the senate disagreed, being again read, on motion of Mr. MAY the house receded from their said amendment and agreed to the said amendment of the senate, and the clerk was ordered to inform the senate thereof.

On motion of Mr. RAMEY, *Resolved*, That the committee of propositions and grievances be instructed to enquire into the expediency of more effectually preventing by law the escape of runaway slaves beyond the limits of the state, and that said committee have leave to report by bill or otherwise.

On motion of Mr. ROBERTSON, *Ordered*, That leave be given to bring in a bill authorizing the Richmond fire association to erect an engine house on the southeast corner of the public square, and that Messrs. Robertson, Venable, Dorman, Butts, Beard, Cabell and M'Rae prepare the same.

On motion of Mr. HUNTER, *Resolved*, That the committee for courts of justice enquire into the expediency of authorizing the judges of the circuit superior courts of law and chancery to grant appeals from judgments and decrees of their respective courts in the same manner and subject to the same provisions that the court of appeals and the judges thereof in vacation, grant appeals under the existing provisions of the law.

Mr. WILSON from the committee on agriculture and manufactures presented the following bill:

No. 239. A bill incorporating the Mercer manufacturing company in the county of Loudoun.

Mr. BEARD from the committee of roads and internal navigation reported without amendment,

No. 188. A bill to amend an act passed February 3d, 1809, entitled "an act to incorporate a company to establish a turnpike from the town of Leesburg in Loudoun county, to the Little river turnpike.

And reported with amendment,

No. 178. A bill incorporating the Dunlap creek turnpike company.

Mr. WATTS from the committee on the militia laws presented a report upon the petition of Barbara Broome.

Mr. GOODE from the committee of schools and colleges reported without amendment,

No. 183. A bill incorporating the trustees of Bethany college.

On motion of Mr. VENABLE several reports of the committee of finance upon the petitions of Guy D. French and William Chapman were taken up and ordered to be committed.

Mr. ROBERTSON presented a petition of Anabella Burr, Harriet T. Burr and William I. Burr, praying the passage of an act authorizing the sale of certain real estate, which was ordered to be referred to the committee for courts of justice.

Mr. ALLYN *of Norfolk* presented a memorial of the members of the Norfolk savings institution for the amendment of their charter, so as to reduce the number of directors of said institution, which was referred to the committee on banks.

Mr. MAY from the committee for courts of justice presented the following bills:

No. 240. A bill to authorize the sale of real estate of Elias Ely deceased; and

No. 241. A bill to authorize the librarian to deliver reports of the court of appeals to the judges.

No. 6. An engrossed bill discharging Lillburn, otherwise called Lillburn Pleasants, from the penitentiary, was taken up, and the question being put upon its passage, was determined in the negative.

Resolved, That the said bill be rejected.

The speaker laid before the house a communication from the president of the board of principal assessors, transmitting a table shewing the total value of the lands and town lots in the commonwealth under the assessment made in pursuance of the act of the general assembly authorizing a reassessment of the lands of this commonwealth, and stating that a more detailed report will be communicated as soon as the tables of assessment are copied and examined by the board; which, on motion of Mr. DORMAN, was referred to the committee of finance and ordered to be printed. [Doc. No. 61.]

On motion of Mr. BAYLY the report of the select committee on the governor's message relative to a demand made by the executive of this state upon the governor of New York, for the surrender of certain fugitives from justice, was made the order of the day for to-morrow at ten o'clock.

On motion of Mr. RATCLIFFE the house adjourned.

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FRIDAY, February 21, 1840.

A communication from the senate by their clerk:

IN SENATE, February 20, 1840.

The senate have passed the bills, entitled,

"An act amending the laws in relation to the course of descents;" and

"An act concerning flour barrels," with amendments, in which they request the concurrence of the house of delegates.

The said amendments to the bill, entitled "an act amending the laws in relation to the course of descents," were agreed to, and the clerk was ordered to inform the senate thereof.

On motion of Mr. Venable the said bill, entitled "an act concerning flour barrels," and the amendments thereto, were laid upon the table.

On motion of Mr. Taylor *of King George* so much of the resolution as required that the speaker shall vacate the chair at half-past 2 o'clock P. M., and resume it again at 4 P. M., on Mondays, Wednesdays and Fridays, was suspended for this day.

On motion of Mr. Robertson, *Resolved*, That when this house adjourns to-day it will adjourn until Monday morning ten o'clock.

Mr. Leyburn presented a memorial of citizens of the western portion of the state for the repeal of the laws authorizing the sale of ardent spirits, which on motion of Mr. Venable was laid upon the table.

Mr. Dorman presented a petition of the justices and members of the bar of Roanoke county, asking to change the days for holding their county courts, which was referred to a committee of Messrs. Dorman, Snyder, Hannah, Carpenter, Toler and M'Cue.

The report of the committee to whom was referred so much of the governor's message and accompanying documents as relates to his demand upon the executive of New York for the surrender of three fugitives from justice was taken up. [Doc. No. 67.]

The first resolution is the following:

Resolved, That the reasons assigned by the governor of New York for his refusal to surrender Peter Johnson, Edward Smith and Isaac Gansey, as fugitives from justice, upon the demand of the executive of this state, are unsatisfactory; and that that refusal *was a palpable and dangerous disregard on the part of the governor of New York of his duties under the constitution and laws of the United States.*

On motion of Mr. Southall the same was amended by striking out all after the word "*refusal*" and inserting in lieu thereof "*is a palpable and dangerous violation of the laws and constitution of the United States.*"

The same was further amended, on motion of Mr. May, by inserting before the word "*unsatisfactory*," the word "*wholly*."

The question was then put upon adopting the same as amended, and was determined in the affirmative *unanimously*.

On motion of Mr. Stephenson the vote was recorded as follows:

Ayes—Messrs. Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Scott, Alderson, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, Hamlett, Smith of Isle of Wight, Gregory, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Caldwell, Baskerville, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hodges, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hudnall, Fitzgerald, Hiden, Aleshire, Hiner, May, Keen, Tallman, Michaux, Venable, Roberts, Heath, Ratcliffe, Sturm, Robertson, Snyder, Leyburn, Dorman, Smith of Rockingham, Shipman, Smith of Russell, Quillen, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—116.

The second resolution being under consideration,

On motion of Mr. May the house adjourned until Monday ten o'clock.

MONDAY, February 24, 1840.

On motion of Mr. Gibson, *Resolved*, That the committee on banks be instructed to enquire into the expediency of bringing in a bill to give temporary relief to the banks of this commonwealth.

Mr. Ratcliffe presented a petition of citizens of the county of Prince William, praying to be authorized

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to offer a reward for grey fox scalps, which was referred to a select committee of Messrs. Ratcliffe, Marshall, Powell, Beard, Fitzhugh and Broadus.

Mr. DORMAN presented a petition of the officers of the 144th regiment in the county of Rockbridge asking to be permitted to train within the limits of said regiment, which was referred to the committee on the militia laws.

Mr. CHAPMAN presented a petition of the attornies practising in the eighth judicial district and others, praying a change in the time of holding the courts of said district, which was referred to the committee for courts of justice.

Mr. WOOD presented a petition of citizens of the county of Amelia for the incorporation of the Washington academy, which was referred to a committee of Messrs. Wood, Cabell, Wilson, Flood and Goode.

Mr. CARPENTER presented a petition of citizens of the county of Alleghany for the establishment of a separate election at the house of John Mastin in said county, which was referred to the committee of propositions and grievances.

A motion was made by Mr. TUNSTALL that the house adopt the following resolution:

Resolved, That leave be given to bring in a bill to establish a hustings court in the town of Danville.

And the question being put thereupon was determined in the negative.

On motion of Mr. TUNSTALL, *Ordered*, That leave be given to bring in a bill for the purpose of extending the corporate limits of the town of Danville, and so amending the first section of the act, entitled "an act to incorporate the town of Danville," passed 11th of February 1830, as that no person hereafter shall be eligible to the office of mayor, recorder or alderman who is not a freeholder and resident of said town; and that Messrs. Tunstall, Keen, Burwell of Bedford, Mitchell and Toler prepare the same.

Mr. TUNSTALL also presented a petition of citizens of the town of Danville upon the same subject, which was referred to the same committee.

A motion was made by Mr. COLEMAN that the house adopt the following resolution:

Resolved, That the committee of schools and colleges be instructed to bring in a bill establishing the district free school system in Virginia.

And the question being put thereupon was determined in the negative.

On motion of Mr. KEEN the vote thereupon was recorded as follows:

AYES—Messrs. Carpenter, M'Cue, Hunter, Hannah, Jackson of Braxton and Lewis, Coleman, Powell, Marshall, Alderson, Howell, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, Hamlett, Worthington, Reynolds, Fontaine, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Myers of Morgan, Allyn of Norfolk borough, Watts, Etheridge, Hiden, Aleshire, Hiner, Keen, Ratcliffe, Dorman, Bare, Spotts and Walker—36.

NOES—Messrs. Southall, Wood, Cabell, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Broadus, Wilson, Crafford, Roane, Payne, Hale, King, Guerrant, Taylor of Halifax, Clark of Halifax, M'Rae, Smith of Isle of Wight, Gregory, Ewing, Lawson, Orgain, Banks, Baskerville, Goode, Clayton, Chapman, Hodges, Yerby, Fitzgerald, May, Tunstall, Michaux, Carroll of Preston, Venable, Snyder, Leyburn, Shipman, Smith of Russell, Ridley, Crutchfield, Fitzhugh, Prince, Stephenson, Goodson and Stanger—56.

The speaker laid before the house the following letter, which was read, and on motion of Mr. LEE ordered to be laid upon the table:

EXECUTIVE DEPARTMENT, FEBRUARY 24, 1840.

SIR,—I have to inform the general assembly of the resignation of brigadier-general James Hoge of the 19th brigade.

Very respectfully, your ob't serv't,

DAVID CAMPBELL.

The Speaker of the House of Delegates.

Mr. LEE presented a petition of citizens of the county of Harrison praying the incorporation of a silk and agricultural society, which was referred to the committee on agriculture and manufactures.

Mr. VENABLE from the committee on banks presented the following bill:

No. 242. A bill to extend the act for the temporary relief of the banks of this commonwealth, passed December 11th, 1839, which on his motion was read the first and second times and ordered to be engrossed.

On motion of Mr. DORMAN the report of the select committee on the governor's message relative to a demand made by the executive of this state upon the governor of New York for the surrender of three fugitives from justice, was ordered to be laid upon the table.

Mr. DORMAN according to order presented the following bill:

No. 243. A bill changing the time for holding the courts in the county of Roanoke.

Mr. VENABLE from the committee on banks presented the following bills:

No. 244. A bill to amend the charter of the Norfolk savings institution; and

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No. 245. A bill incorporating the Clarksburg savings society.

On motions severally made, leave of absence from the service of this house was granted to Messrs. Hudnall, and Smith of Rockingham for the remainder of the session from and after to-morrow.

No. 99. An engrossed bill amending the laws concerning attachments against absent defendants, was on motion of Mr. MAY ordered to be laid upon the table.

No. 120. A bill concerning western land titles; and

No. 121. A bill increasing the reward for apprehending runaways in certain cases, with the amendments thereto proposed by the committee for courts of justice, were taken up, and the said amendments being agreed to, the said bills as amended were ordered to be engrossed.

No. 123. A bill to amend an act, entitled "an act for the better organization of the militia," with the amendment proposed by Mr. TAYLOE *of King George*, which was under consideration when the house adjourned on Monday last, was taken up, and on motion of Mr. DORMAN ordered to be laid upon the table.

No. 90. A bill to amend the charter of the James river and Kanawha company, with the amendments thereto proposed by the committee of roads and internal navigation, was taken up, and the said amendments being agreed to, the said bill as amended was ordered to be engrossed.

No. 174. A bill to authorize George M. Carrington and William Walker to establish a ferry across James river at Richmond, heretofore reported from the committee for courts of justice with a recommendation that the said bill be rejected, was taken up, and on motion of Mr. ROBERTSON ordered to be laid upon the table.

No. 124. A bill directing the treasurer of the commonwealth to give the state's guarantee to a certain loan authorized to be negotiated by the Richmond, Fredericksburg and Potomac rail-road company was read a second time, amended on motions severally made, and as amended ordered to be engrossed.

No. 125. A bill to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company, for the purpose of laying down iron rails or a more permanent plate rail superstructure on said road, was on motion of Mr. SMITH *of Isle of Wight* laid upon the table.

Mr. TUNSTALL according to order presented the following bill:

No. 246. A bill to extend the corporate limits of the town of Danville, in the county of Pittsylvania.

On motion of Mr. SMITH *of Isle of Wight* the house adjourned until to-morrow morning ten o'clock.

TUESDAY, FEBRUARY 25, 1840.

On motion of Mr. WADE, *Resolved*, That this house will proceed by joint vote with the senate on Saturday the 29th instant to the election of a brigadier general to supply the vacancy occasioned by the resignation of general James Hoge.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. RATCLIFFE, according to order, presented the following bill:

No. 247. A bill allowing a reward for killing grey foxes in the county of Prince William.

Reports of the committee of propositions and grievances rejecting the petitions of Mrs. Abigail Mayo; and of citizens of the counties of Buckingham, Prince Edward, Charlotte and Campbell, for a new county out of parts of said counties, were on motions severally made ordered to be laid upon the table.

A report of the committee for courts of justice upon the resolution for providing by law that but one set of costs be taxed to the defendants in any court where more than one suit is instituted upon the same obligation, was on motion of Mr. HIDEN laid upon the table.

Reports of the committee of roads and internal navigation upon the petitions of citizens of the town of Front Royal; and of citizens of the counties of Frederick, Clarke, Jefferson and Loudoun, relative to the extension of the Northwestern road, were on motions severally made ordered to be laid upon the table.

A report of the committee of schools and colleges relative to Yeates's free schools in Nansemond county, was on motion of Mr. GOODE ordered to be laid upon the table.

A report of the committee for courts of justice was read and agreed to as follows:

The committee for courts of justice have, according to order, had under consideration the resolution to them referred, instructing them to enquire into the expediency of providing by law for changing the venue in cases of forcible and unlawful entry and unlawful detainer, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That it is inexpedient to make such provision.

A report of the committee of schools and colleges was read and agreed to as follows:

The committee of schools and colleges have, according to order, enquired into "the expediency of providing by law for paying to the school commissioners of the counties west of the Blue Ridge, the nett proceeds of lands which may have been sold, or which may be hereafter sold, pursuant to the provisions of an act of the general assembly, passed March 30th, 1837, entitled 'an act to amend and explain the law concerning western land titles, and for other purposes;' the said proceeds to be expended by the said commissioners in the erection of school houses of a permanent character in their respective counties:" Whereupon,

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Resolved as the opinion of this committee, That it is not expedient to make such provision by law.

The following reports of the committee of roads and internal navigation were read and agreed to:

The committee of roads and internal navigation have, according to order, enquired into "the expediency of constructing a dirt turnpike road from the town of Newbern in the county of Pulaski, by way of Wytheville, Marion and Abingdon to the Tennessee line," and have adopted the following resolution thereupon:

Resolved as the opinion of this committee, That it is expedient that said road be made; but it is not expedient that it be undertaken at this time.

The committee of roads and internal navigation have, according to order, had under consideration the petition of Richard Stevens, praying that a law be passed authorizing him to erect a dam across Tye river in the county of Nelson, from his own lands to the lands of Terrisha Turner on the opposite side: Whereupon,

Resolved as the opinion of this committee, That said petition be rejected for want of the due notice required by the rules of the house of delegates.

The committee of roads and internal navigation have, according to order, had under consideration the memorial of a convention held at Giles courthouse in October last, asking an appropriation of such sum of money as may be necessary to construct a turnpike road from the Kentucky line, up the Louisa fork of Sandy river to intersect the Cumberland Gap and Price's turnpike road, at or near Tazewell courthouse: Whereupon,

Resolved as the opinion of this committee, That it is not expedient, under existing circumstances, to make an appropriation for said road.

The committee of roads and internal navigation have, according to order, had under consideration the petition of sundry citizens of Fairfax county, praying that the act passed February the 27th, 1834, giving the Little river turnpike company the right to levy *half tolls* on all return wagons and carts, be repealed, at least so far as relates to the citizens of said county; and that said company be granted the power possessed before the passage of said act, of levying *full tolls* on all return wagons and carts having five hundred pounds weight, on condition that no toll be levied on wagons and carts having less than that weight: Whereupon,

Resolved as the opinion of this committee, That said petition be rejected for want of the notice required by the rules of the house of delegates.

The committee of roads and internal navigation have, according to order, had under consideration the petition of sundry citizens of Harrison and Monongalia counties, praying that a bridge may be constructed across Three Fork river in the county of Monongalia, on the line of the Northwestern road: Whereupon,

Resolved as the opinion of this committee, That it is not expedient at this time to provide for the erection of said bridge.

The committee of roads and internal navigation have, according to order, enquired into "the expediency of amending the act, entitled 'an act to provide for the opening and repair of the public roads of this commonwealth,' passed March the 3d, 1835, requiring the appointment of road commissioners at the May terms, so as to allow the county courts (in case of omission) the power to appoint their commissioners at any subsequent term:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient so to amend the said act.

The committee of roads and internal navigation have, according to order, enquired into "the expediency of collecting and embodying into one act, all acts and parts of acts of a general character, now in force, in relation to the public roads of this commonwealth, together with such amendments or modifications as said committee may deem expedient:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient at this time to collect and amend the said acts.

On motion of Mr. Goodson, *Ordered*, That leave be given to bring in a bill to incorporate a female academy in the town of Abingdon, and that Messrs. Goodson, Allyn of Norfolk, Quillen, Spotts, Griever and Goode prepare the same.

Mr. Goodson presented a petition of citizens of the town of Abingdon in the county of Washington, relative to the same subject, which was referred to the same committee.

The following bills were read the first and ordered to be read a second time, viz:

No. 201. A bill to incorporate the town of Terra Salis in the county of Kanawha.

No. 202. A bill concerning the New Shenandoah company.

No. 203. A bill changing the mode of appointing inspectors of salt in the county of Kanawha.

No. 204. A bill to authorize the Bank of Virginia to establish an agency in the town of Scottsville.

No. 205. A bill amending the act concerning commissions on sales made under decrees in chancery.

No. 206. A bill to incorporate the Dupuy and Bryant coal mining company in the county of Powhatan.

No. 207. A bill to amend the act, entitled "an act to incorporate the Harris creek manufacturing company," passed February 1st, 1832.

No. 208. A bill to authorize a separate election at the Buffaloe Ridge springs in the county of Nelson.

No. 209. A bill to amend the charter of the Bedford savings bank at Liberty.

No. 211. A bill authorizing the ballast master at Fredericksburg to appoint assistants.

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No. 212. A bill concerning William G. Hall.

No. 213. A bill to amend the several acts concerning the Holiday's Cove turnpike company.

No. 214. A bill authorizing Alexander H. Creel to establish a ferry across the Ohio river.

No. 215. A bill to revive the act to incorporate the Stonewall iron manufacturing company; and

No. 216. A bill to incorporate the Montpelier marble company in the county of Orange.

No. 210. A bill to amend the act, entitled "an act incorporating the Buchanan and Salem turnpike company," was read the first and second time, and on motion of Mr. HANNAH ordered to be committed.

No. 242. An engrossed bill to extend the act for the temporary relief of the banks of this commonwealth, passed December 11th, 1839, was read a third time; thereupon a clause by way of ryder thereto was offered by Mr. BANKS, which was read the first, and the question being put upon reading the same a second time, was determined in the negative.

The question was then put upon the passage of the said bill and determined in the affirmative.

On motion of Mr. HASKINS the vote thereupon was recorded as follows:

AYES—Messrs. Wood, Cabell, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Kyle, Flood, Toler, Fox, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Crafford, Scott, Howell, Hale, Wade of Franklin, Baker, Byrd, Guerrant, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Hamlett, Gregory, Worthington, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Caldwell, Baskerville, Evans, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Fitzgerald, M'Connell, Hiner, May, Tunstall, Keen, Tallman, Michaux, Venable, Roberts, Robertson, Snyder, Leyburn, Dorman, Smith of Russell, Griever, Crutchfield, Spotts, Stephenson, Goodson and Walker—69.

NOES—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, King, Butts, Taylor of Halifax, Lee, Armstrong, Smith of Isle of Wight, Fontaine, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Hiden, Alesbire, Heath, Ratcliffe, Sturm, Shipman, Quillen, Conn, Bare, Ridley and Prince—30.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. GOODSON the house adjourned until to-morrow ten o'clock.

WEDNESDAY, FEBRUARY 26, 1840.

A communication from the senate by their clerk:

IN SENATE, FEBRUARY 25, 1840.

The senate have passed the bill, entitled,

"An act incorporating the Princess Anne and Kempsville canal companies."

They have also passed the bill, entitled,

"An act to amend the charter of the town of Winchester," with amendments in which they request the concurrence of the house of delegates.

The said amendments were severally agreed to, and the clerk was ordered to inform the senate thereof.

Mr. WILSON from the committee on agriculture and manufactures presented the following bill:

No. 248. A bill to incorporate the Harrison county silk and agricultural society.

Mr. LEYBURN from the committee on the lunatic hospitals presented the following bill:

No. 249. A bill concerning lunatic hospitals.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances reported with amendments the following bill:

No. 107. A bill fixing the site for the seat of justice for the county of Pulaski.

And presented a report upon the memorial or instructions of the borough court of Norfolk concerning the borough ferry.

Mr. GIBSON from the committee of roads and internal navigation reported without amendment the following bill:

No. 210. A bill to amend the act, entitled "an act incorporating the Buchanan and Salem turnpike company."

Mr. WOOD according to order presented the following bill:

No. 250. A bill incorporating the Washington academy of Amelia.

Mr. CALDWELL presented a petition of citizens of the county of Marshall for the establishment of a separate election in said county.

Mr. SNYDER a petition of citizens of the county of Roanoke for a separate election in that county.

The said petitions were referred to the committee of propositions and grievances.

Mr. STANGER presented a petition of the trustees of the town of Wytheville for authority to raise money by lottery for the benefit of said town.

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Mr. Powell a petition of Jane E. Robedear for the sale of real estate in the counties of Fairfax and Lancaster.

The said petitions were referred to the committee for courts of justice.

Mr. Powell also presented a petition of William Brent, junior, praying the passage of resolutions instructing the senators and requesting the representatives in congress to use their influence to define the law of nations in certain cases; which on motion of Mr. Goode was laid upon the table.

Mr. Dorman presented a petition of citizens of the town of Lexington asking that additional powers may be conferred on the trustees of said town to enable them to pave or M'Adamize their streets; which was referred to a select committee of Messrs. Dorman, Leyburn, M'Cue, Stuart and Hannah.

A motion was made by Mr. Baskerville that the house adopt the following resolution:

Resolved, That when this house adjourns on Monday, the 9th of March next, it will with the consent of the senate adjourn *sine die*.

On motion of Mr. Dorman the same was laid on the table.

On motion of Mr. Hunter leave was granted the committee on the public armory to sit during the session of the house during to-morrow and the day after.

On motion of Mr. Dorman leave was granted the committee of finance to sit during the session of the house.

A motion was made by Mr. M'Rae that the house adopt the following resolution:

Resolved, That leave be given to bring in a bill to extend to James Edwards a hired and blind musician of the public guard the provisions of an act passed in 1832, for the benefit of such of the public guard as may have served for the space of three years.

On motion of Mr. May the same was laid upon the table.

A motion was made by Mr. Smith *of Gloucester* that the house adopt the following resolution:

Resolved, That the committee of finance enquire into the expediency of refunding to Edwin Broaddus, sheriff of Gloucester county, the sum of twenty-four dollars and twenty-three cents heretofore paid by him into the treasury on account of unascertainable lands in said county.

On motion of Mr. Goode the same was laid upon the table.

Mr. Gibson presented a petition of citizens of the county of Hampshire praying that a portion of the school fund for said county may be appropriated to each of the academies at the towns of Romney and Springfield; which on motion of Mr. Goode was laid upon the table.

Also a petition of other citizens of the same county for the establishment of a separate election in said county; which was referred to the committee of propositions and grievances.

No. 120. An engrossed bill concerning western land titles, was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The following engrossed bills were on motions severally made ordered to be laid upon the table, viz:

No. 90. A bill to amend the charter of the James river and Kanawha company.

No. 121. A bill increasing the reward for apprehending runaways in certain cases, and for other purposes; and

No. 124. A bill directing the treasurer of the commonwealth to give the state's guarantee to a certain loan authorized to be negotiated by the Richmond, Fredericksburg and Potomac rail-road company.

No. 178. A bill incorporating the Dunlap's creek turnpike company, with the amendments thereto proposed by the committee of roads and internal navigation, was taken up, and the said amendments being agreed to, the said bill as amended was ordered to be engrossed.

No. 183. A bill incorporating the trustees of Bethany college; and

No. 188. A bill to amend an act, passed February the 3d, 1809, entitled "an act to incorporate a company to establish a turnpike from the town of Leesburg in Loudoun county to the Little river turnpike," heretofore reported without amendment from the respective committees to which the same had been committed, were taken up and ordered to be engrossed.

No. 128. A bill concerning the collection of rents, was on motion of Mr. May ordered to be laid upon the table.

No. 133. A bill to amend the act, entitled "an act prescribing certain general regulations for the incorporation of turnpike companies," was read a second time and ordered to be engrossed.

No. 137. A bill to amend the act, entitled "an act concerning general elections in this commonwealth," was read a second time, amended on motion of Mr. Banks, and as amended ordered to be engrossed.

Mr. Watts announced to the house the death of William D. Hodges, esq'r.; thereupon,

On motion of Mr. Dorman it was unanimously *Resolved*, That this house has heard with deep sensibility the death of William D. Hodges, esq'r., a delegate from the county of Nansemond.

Resolved, That the members of this house will attend the removal of his corpse from the Powhatan house on to-morrow morning, and as a token of respect for his memory we will wear the usual badge of mourning for thirty days.

On motion of Mr. Ridley the house adjourned until to-morrow morning ten o'clock.

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THURSDAY, February 27, 1840.

The speaker having been absent for the last six days, this morning resumed the chair.

A communication from the senate by their clerk:

IN SENATE, February 26, 1840.

The senate have passed the bills, entitled,

"An act changing the manner of appointing an inspector of flour and indian meal in the town of Winchester;" and

"An act to extend the act for the temporary relief of the banks of this commonwealth, passed December 11th, 1839."

And they have agreed to the resolution for the election of a brigadier-general to supply the vacancy occasioned by the resignation of general James Hoge, with an amendment, in which they request the concurrence of the house of delegates.

The said amendment was agreed to, and the clerk was ordered to inform the senate thereof.

Mr. Goodson according to order presented the following bill:

No. 251. A bill to incorporate the trustees of the Abingdon female academy.

On motion of Mr. Dorman, *Resolved unanimously*, That copies of the proceedings and resolutions adopted on yesterday, relating to the death of William D. Hodges, esq., a delegate from the county of Nansemond, be transmitted by the clerk of this house, to the nearest male and female relatives of the deceased.

The house then took a recess until one o'clock, and the speaker and members attended the funeral.

On motion of Mr. Cox, *Resolved*, That this house will proceed by joint vote with the senate on the 28th instant to the election of a general agent and storekeeper and superintendent of the pententiary.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. Banks according to order presented the following bill:

No. 252. A bill authorizing Ebenezer Eliason, William P. Eliason and Ebenezer Eliason jr. to construct a toll-bridge across the Rapid Ann river, near Barnett's ford.

Mr. Dorman in like manner presented the following bill:

No. 253. A bill to authorize the trustees of the town of Lexington to levy taxes for the improvement of the streets of said town.

Mr. Michaux presented a petition of the president and directors of the Little and Big Deep creek navigation company to increase their capital for continuing their improvement to some point on the Appomattox river, near Dr. Crump's mill, which was referred to the committee of roads and internal navigation.

A motion was made by Mr. Michaux that the house adopt the following resolution:

Resolved, That the committee of roads and internal navigation be authorized to bring in a bill to allow the stockholders of Little and Big Deep creek navigation company of Powhatan to enlarge the capital to a sum not exceeding fifty thousand dollars, and leave to extend their improvement by canal and rail-road, or continuous rail-road from Bellnemus mills to some point on Appomattox river, near Dr. William Crump's mill, and that the said company be allowed the further time of five years to finish their work, under the charter of the ——— day of ——— 1836, and that books be opened in the counties of Powhatan, Amelia, Cumberland and Charlotte for the creation of the new stock &c.

On motion of Mr. Venable the same was laid upon the table.

The following engrossed bills were read a third time and passed:

No. 133. A bill to amend the act, entitled "an act prescribing certain general regulations for the incorporation of turnpike companies."

No. 137. A bill to amend the act, entitled "an act concerning general elections in this commonwealth." The title to this bill was amended on motion of Mr. May so as to read "*an act prescribing certain rules of evidence in contested elections.*"

No. 178. A bill incorporating the Dunlap's creek turnpike company.

No. 183. A bill incorporating the trustees of Bethany college; and

No. 188. A bill to amend an act passed February 13th, 1809, entitled "an act to incorporate a company to establish a turnpike from the town of Leesburg in Loudoun county, to the Little river turnpike."

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 107. A bill fixing the site for the seat of justice for the county of Pulaski, with the amendment thereto proposed by the committee of propositions and grievances, was taken up, and the said amendment being agreed to, the said bill as amended was ordered to be engrossed.

No. 210. A bill to amend the act, entitled "an act incorporating the Buchanan and Salem turnpike company," was taken up and ordered to be engrossed.

No. 138. A bill giving jurisdiction to justices of the peace in actions of trespass upon real and personal property, was on motion of Mr. Lee ordered to be laid upon the table.

The following bills were read a second time and ordered to be engrossed, viz:

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No. 139. A bill amending the act authorizing the county court of Monongalia county to raise money for certain purposes.

No. 140. A bill divorcing Benjamin Wright from his wife Mariann.

No. 142. A bill incorporating the trustees of Richmond college; and

No. 143. A bill to repeal the act, entitled "an act concerning the Hampton academy."

No. 144. A bill increasing the tolls of the Petersburg rail-road company, was read a second time, amended on motion of Mr. WATTS, and as amended ordered to be engrossed.

No. 145. A bill to incorporate the society for the relief of the widows and orphans of clergymen in the diocese of Virginia, was on motion of Mr. MAY laid on the table.

The following bills were also read a second time and ordered to be engrossed, viz:

No. 146. A bill providing for certain alterations to the hall of the house of delegates and to the interior of the capitol.

No. 147. A bill concerning Verlinda Perry; and

No. 148. A bill to authorize a separate election at Mangohick in the county of King William.

On motion of Mr. WATTS, *Resolved*, That the clerk of this house be and he is hereby authorized to issue a certificate to Dr. Robert H. Webb for the pay and mileage due to the late William D. Hodges, the delegate from the county of Nansemond, and that the auditor is also hereby authorized to issue a warrant for the same.

The speaker laid before the house the following letter from the governor, which on motion of Mr. CRUTCHFIELD was laid upon the table:

EXECUTIVE DEPARTMENT, FEBRUARY 27, 1840.

SIR,—I have to inform the general assembly of the resignation of brigadier-general Elisha Boyd of the 16th brigade.

Very respectfully, your ob't serv't,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

No. 149. A bill concerning John Seabrook, was read a second time, and the question being put upon ordering the same to be engrossed, was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Cropper, Cabell, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Flood, Coleman, Cardwell, Roane, Marshall, Scott, Alderson, Smith of Gloucester, Carroll of Grayson, Clark of Halifax, M'Rae, Gregory, Worthington, Kennedy, Reynolds, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Ramey, Massie, Allyn of Norfolk borough, Staples, Hiner, Tunstall, Keen, Tallman, Roberts, Ratcliffe, Robertson, Leyburn, Dorman and Walker—39.

NOES—Messrs. Gilmer, (speaker,) Bayly, Carpenter, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Thornburg, Toler, Cox, Burwell of Clarke and Warren, Whitworth, Crafford, Powell, Howell, Hale, Wade of Franklin, Baker, King, Guerrant, Butts, Taylor of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Beard, Orgain, Banks, Taylor of Mathews and Middlesex, Baskerville, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Alesbire, Michaux, Venable, Heath, Sturm, Snyder, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Prince, Stephenson and Stanger—55.

Resolved, That said bill be rejected.

A motion was made by Mr. BAYLY that the house adopt the following resolution:

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of so changing the law prohibiting the hauling of seines within certain periods in the county of Accomack, as to make the law uniform throughout the commonwealth.

And the question being put thereupon was determined in the negative.

On motion of Mr. BASKERVILLE the house adjourned.

FRIDAY, FEBRUARY 28, 1840.

Mr. STAPLES presented a petition of Martin Cloud and others praying for the formation of a new county out of parts of the counties of Patrick, Wythe and Grayson, which on motion of Mr. STEPHENSON was laid upon the table.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances reported without amendment the following bill:

No. 150. A bill establishing the county of ———— of parts of the counties of Monongalia and Harrison.

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Mr. CRUTCHFIELD submitted the following resolution, which on motion of Mr. ROBERTSON was laid upon the table:

Resolved, That the president or secretary of the James river and Kanawha company be requested to report to this house a statement shewing

1. The aggregate amount of the printed or engraved notes issued by the company, payable at six months, or other specified periods, to order, carrying six per cent. interest, commonly called James river and Kanawha company scrip.

2. The aggregate amount of said scrip which has been taken in or redeemed, shewing whether the same was paid in money, exchanged for stock of the corporation of Richmond or of the state, or for the thirty years bonds of the James river and Kanawha company guaranteed by the state.

3. The amount now outstanding of said scrip.

4. The amount of the James river and Kanawha company's bonds guaranteed by the state, which have been issued, and in what manner disposed of—whether immediately to first creditors of the company or to purchasers of the *scrip* from them, and whether at par or less.

5. The amount of the stock of the corporation of Richmond bearing six per cent. interest, received of said corporation in payment of its subscription—how much thereof has been sold or disposed of, at what rate, and in what manner, whether immediately to first creditors of the company or to purchasers of the *scrip* from them, and what amount of loss if any has been sustained by the company on the stock received from the corporation of Richmond.

6. The common rate of discount, monthly, in the market on the several scrips, bonds and stocks above specified, from the time the company commenced issuing or disposing of them.

7. The amount of contracts entered into since the company began to issue their scrip, stating the monthly amount during the last six months, and the amount still executing and to be executed, distinguishing the amount above Lynchburg from that below.

8. In what medium the compensation and salaries of the president, directors, engineers and other officers and agents of the company have been and are paid—whether in money or in the scrip of the company, at par or otherwise.

On motion of Mr. BAKER, *Resolved*, That this house will on Saturday the 7th day of March next proceed by joint vote with the senate to the election of a brigadier-general for the 16th brigade of Virginia militia to supply the vacancy occasioned by the resignation of general Elisha Boyd.

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

No. 29. A bill to provide for a revision of the laws with the substitute thereto proposed by the committee for courts of justice was taken up on motion of Mr. SOUTHALL; thereupon the said substitute was amended on his motion, and as amended was agreed to, and the said bill as amended was ordered to be engrossed.

A message from the senate by Mr. M'MULLEN:

MR. SPEAKER—The senate have adopted the resolution for proceeding on this day to the election of a general agent and storekeeper and superintendent of the penitentiary.

The house then proceeded by joint vote with the senate to the election of the said officers; thereupon on motion of Mr. Cox the rule of the house requiring but one election to be made at once was suspended, and he nominated *James G. Watson* as general agent and storekeeper, and *Charles S. Morgan* as superintendent of the penitentiary, and the senate having been informed thereof, and the mode of election indicated by this house having been agreed to, and no person having been added to the nomination in that house, the names of the members were called and the vote recorded as follows:

For Charles S. Morgan as Superintendent—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Myers of Berkeley, Hannah, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Robertson, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Stephenson, Goodson, Walker and Stanger—116.

For James G. Watson as General Agent and Storekeeper—Messrs. Gilmer, (speaker,) Bayly, Carpenter, Cabell, M'Cue, Lockridge, Burwell of Bedford, Myers of Berkeley, Hannah, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Fox, Corbin, Coleman, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Powell, Scott, Alderson, Payne, Howell, Wade of Franklin, Baker, King, Guerrant, Carroll of Gray-

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son, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Gregory, Reynolds, Wright, Fontaine, Ramey, Harrison, Lipscomb, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Goode, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Yerby, Aleshire, Hiner, May, Tallman, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Sturm, Robertson, Snyder, Dorman, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Stephenson, Goodson and Stanger—92.

For John Wight as General Agent and Storekeeper—Messrs. Southall, Wood, Stuart, Toler, Cardwell, Roane, Marshall, Hale, Smith of Gloucester, Worthington, Kennedy, Tayloe of King George, Lawson, Beard, Watts, Etheridge, Staples, Tunstall, Leyburn and Walker—20.

For George W. B. Hale as General Agent and Storekeeper—Messrs. Hamlett and Keen—2.

And for Robert Pickett as General Agent and Storekeeper—Mr. Tayloe of Lancaster and Richmond—1.

Ordered, That Messrs. Cox, Meredith, Etheridge, Tallman and Haskins be a committee to act jointly with a committee of the senate to ascertain the state of the joint vote.

Mr. Cox from the joint committee reported that they had ascertained the joint to be for *Charles S. Morgan* as superintendent 142; and for the office of general agent and storekeeper, for *James G. Watson* 113; scattering 28; thereupon *Charles S. Morgan* was declared duly elected superintendent, and *James G. Watson* duly elected general agent and storekeeper of the penitentiary for one year.

On motion of Mr. Bayly, the resolution which requires the speaker to vacate the chair at half past two o'clock P. M. and resume it again at four P. M. on Mondays, Wednesdays and Fridays, was suspended so far as it applies to this day.

On motion of Mr. Bayly, the report of the select committee on the governor's message relative to a demand made by the executive of this state upon the governor of New York for the surrender of three fugitives from justice, which was under consideration when the house adjourned on the twenty-first instant, was taken up. [Doc. No. 57.]

The second resolution was read as follows:

Resolved, That the course of the executive of New York cannot be acquiesced in, and if persisted in will make it the solemn duty of Virginia to appeal from the cancelled obligation of the constitutional compact to her reserved rights.

A motion was made by Mr. Southall to amend the same by substituting therefor the following:

Resolved, That the course of the executive of New York cannot be acquiesced in, and if persisted in, in this or similar cases, it will become the solemn duty of Virginia to adopt for the protection of her property and rights such measures as the occasion shall authorize.

The said amendment having been for some time under discussion, Mr. Crutchfield demanded the previous question; and the question being put, "Shall the main question be now put?" was determined in the negative.

On motion of Mr. Robertson the vote thereupon was recorded as follows:

Ayes—Messrs. Carpenter, Lockridge, Burwell of Bedford, Myers of Berkeley, Hunter, Hannah, Cox, Burwell of Clarke and Warren, Powell, Marshall, Payne, Howell, Baker, King, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Armstrong, Wright, Fontaine, Harrison, Lipscomb, Taylor of Mathews and Middlesex, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Staples, Ratcliffe, Snyder, Smith of Russell, Quillen and Crutchfield—35.

Noes—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Guerrant, Taylor of Halifax, White, Seymour, Lee, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Orgain, Banks, Caldwell, Goode, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Venable, Roberts, Heath, Robertson, Leyburn, Dorman, Shipman, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Stephenson, Goodson, Walker and Stanger—78.

With the leave of the house, Mr. Southall withdrew his proposition to amend the said resolution, and Mr. May submitted the following as a substitute for the said resolution of the committee:

Resolved, That the course pursued by the executive of New York cannot be acquiesced in, and if sanctioned by that state and persisted in it will become the solemn duty of Virginia to adopt the most decisive and efficient measures for the protection of the property of her citizens and the maintenance of rights which she cannot and will not, under any circumstances, surrender or abandon.

A motion was then made by Mr. Robertson to amend the said amendment by striking out all after the words "*acquiesced in*," so as to cause it to read,

Resolved, That the course pursued by the executive of New York cannot be acquiesced in.

And the question being put thereupon was determined in the negative.

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On motion of Mr. BAYLY the vote thereupon was recorded as follows:

AYES—Messrs. Burwell of Bedford, and Robertson—2.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Gregory, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Venable, Roberts, Heath, Ratcliffe, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Conn, Bare, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—113.

The question was then put upon adopting the amendment submitted by Mr. MAY, and was determined in the affirmative.

On motion of Mr. TAYLOR *of Halifax* the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, King, Erskine, Clark of Halifax, Gibson, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Kennedy, Reynolds, Tayloe of King George, Ewing, Lawson, Beard, Ramey, Harrison, Banks, Caldwell, Taylor of Mathews and Middlesex, Clayton, Evans, Myers of Morgan, Massie, Watts, Etheridge, Yerby, Aleshire, Staples, Hiner, May, Tunstall, Tallman, Roberts, Ratcliffe, Robertson, Leyburn, Dorman, Quillen, Conn, Griever, Crutchfield, Fitzhugh, Walker and Stanger—79.

NOES—Messrs. Bayly, Cropper, Lockridge, Jackson of Braxton and Lewis, Meredith, Haskins, Wilson, Crafford, Powell, Smith of Gloucester, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Allen of Hampshire, White, Gregory, Wright, Fontaine, Lipscomb, Orgain, Goode, Chapman, Wade of Montgomery and Pulaski, Allyn of Norfolk borough, Keen, Carroll of Preston, Venable, Heath, Snyder, Shipman, Smith of Russell, Ridley, Clarke of Surry, Prince, Spotts, Stephenson and Goodson—38.

The question was then put upon agreeing to the said resolution as amended, and was determined in the affirmative.

On motion of Mr. CRUTCHFIELD the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, King, Smith of Gloucester, Guerrant, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Worthington, Kennedy, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Watts, Etheridge, Aleshire, Staples, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Roberts, Heath, Ratcliffe, Robertson, Snyder, Leyburn, Dorman, Shipman, Quillen, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—108.

NOES—Messrs. Gregory, and Smith of Russell—2.

The third resolution was read as follows:

Resolved, That the governor of this state be authorized and requested to renew his correspondence with the executive of New York, requesting that that functionary will review the grounds taken by him; and that he will urge the consideration of the subject upon the legislature of his state.

And the question being put thereupon was determined in the affirmative.

On motion of Mr. GREGORY the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Carpenter, Cabell, M'Cue, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, King, Guerrant, Erskine, Butts, Clark of Halifax, Gibson, Allen of Hampshire, White, Lee, Armstrong, M'Rae, Hamlett, Smith of Isle of Wight, Reynolds, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Lipscomb, Orgain, Banks, Caldwell, Taylor of Mathews and Middlesex, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Yerby, Aleshire, Staples,

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Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Heath, Ratcliffe, Robertson, Snyder, Leyburn, Smith of Russell, Quillen, Conn, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Walker and Stanger—96.

Noes—Messrs. Bayly, Cropper, Hunter, M'Millan, Powell, Taylor of Halifax, Gregory, Roberts, Shipman and Goodson—10.

The fourth resolution was read as follows:

Resolved, That the governor of Virginia be requested to open a correspondence with the executive of each of the slaveholding states, requesting their co-operation in any necessary and proper measure of redress which Virginia may be forced to adopt.

And the question being put thereupon was determined in the affirmative.

On motion of Mr. Bayly the vote thereupon was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, M'Cue, Lockridge, Hunter, Hannah, Meredith, Haskins, Flood, Thornburg, Toler, Coleman, Cox, Burwell of Clarke and Warren, Crafford, Roane, Powell, King, Smith of Gloucester, Carroll of Grayson, Butts, Taylor of Halifax, Allen of Hampshire, White, Hamlett, Smith of Isle of Wight, Gregory, Wright, Fontaine, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hiner, Roberts, Heath Ratcliffe, Snyder, Dorman, Shipman, Smith of Russell, Conn, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—59.

Noes—Messrs. Southall, Cabell, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Jackson of Braxton and Lewis, Kyle, Corbin, Cardwell, Broadus, Wilson, Whitworth, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Guerrant, Erskine, Clark of Halifax, Lee, Armstrong, M'Rae, Worthington, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Orgain, Banks, Caldwell, Evans, Aleshire, Staples, May, Tunstall, Keen, Tallman, Carroll of Preston, Venable, Robertson, Leyburn, Quillen and Crutchfield—50.

The fifth resolution was read as follows:

Resolved, That the governor of Virginia be requested to forward copies of these proceedings to the executive of each state of this Union, with the request that they be laid before their respective legislatures.

And the question being put thereupon was determined in the affirmative.

The said preamble was amended on motion of Mr. May, and as amended was agreed to as follows:

The committee to whom was referred so much of the governor's message and accompanying documents as relates to his demand upon the executive of New York for the surrender of three fugitives from justice, have had the same under consideration and agree to the following report:

In July last the executive of Virginia made a demand upon the governor of New York for the surrender of Peter Johnson, Edward Smith and Isaac Gansey attached to the schooner Robert Center *then* in New York, who were duly charged by affidavit regularly made before Miles King, mayor and justice of the peace for Norfolk, with having feloniously stolen and taken from John G. Colley a certain negro slave Isaac the property of said Colley. The governor of New York refused to comply with the demand, and assigned as his reasons for the refusal, that the right to demand and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged are recognized by the universal law of all civilized countries; that the object of the provision in the constitution of the United States relative to the demand of fugitives from justice was to recognize and establish this principle in the mutual relations of the states as independent, equal and sovereign communities; that the provision applies only to those acts which, if committed within the jurisdiction of the state in which the person accused is found, would be treasonable, felonious or criminal by the laws of that state; that no law of New York at this time recognized, no statute admitted, that one man could be the property of another, or that one man could be stolen from another; and that consequently the laws of this state making the stealing of a slave felony did not constitute a crime within the meaning of the constitution.

Your committee have bestowed upon each of these propositions the reflection which their importance demanded; and that reflection has brought them to very different conclusions from those arrived at by the governor of New York.

A citizen of one nation is permitted to enter the territory of another upon the tacit condition that he shall not violate her laws. If he does violate them he may be punished according to those laws, if apprehended while he is within their jurisdiction. If he escape and take refuge in his own country or any other state he may be demanded as a fugitive from justice.

Whether such demand ought to be made, and if made should be complied with, is a matter to be judged of by the respective authorities making and upon whom the demand is made, each for itself. The lesser offences are usually connived at, and in such cases the state, whose laws have been violated, is satisfied when the offender has departed beyond its limits. So the state upon whom the demand is made may in some cases refuse to comply with it. Where the offence was of a trivial nature it might decline to comply; and in such case the demand if made would rarely be insisted on. When the offence was one created by tyrannical laws leading

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to oppression or persecution, or where the mode of trial was to be inhuman or inquisitorial, it would be under the most solemn obligation to refuse to comply. But the state in exercising its acknowledged right of judging for itself, would do it under the highest responsibility. If it exercised its right indiscreetly and refused improperly to surrender a criminal whose surrender had been demanded, it would become itself a participator in his guilt and give just cause of war. The cases in which fugitives from justice ought to be demanded by one power and surrendered by another, under the laws of nations, have never been specifically defined. It would be very difficult to define them; and it is perhaps better that each case should be judged of by its own circumstances.

But in the opinion of your committee, it is not necessary to pursue farther this branch of the subject. In their opinion, the case which they are considering does not arise under the law of nations, but under the constitution of the United States; and they cannot acquiesce in the proposition advanced by the governor of New York, that the provision of the constitution is but a recognition of the established principles of the law of nations. They entertain the opinion that that provision is an *extension*, and not merely a recognition of the principle of the law of nations. The only difficulty upon this point originates in a doubt whether the governor of New York has not restricted too much the principle regulating the conduct of independent nations in this particular. A distinguished jurist of his own state, in a solemn judicial decision has said: "It has been suggested that theft is not a felony of such an atrocious and mischievous nature as to fall within the usage of nations on this point. But the crimes which belong to this cognizance of the law of nations are not specifically defined; and those which strike deeply at the rights of property, and are inconsistent with the safety and harmony of commercial intercourse, come within the mischief to be prevented, and within the necessity as well as the equity of the remedy. If larceny may be committed, and the fugitive protected, why not compound larceny, as burglary and robbery, and why not forgery and arson? They are all equally invasions of the right of property, and incompatible with the ends of civil society. Considering the great and constant intercourse between this state and the provinces of *Canada*, and the entire facility of passing from one dominion to the other, it would be impossible for the inhabitants of the respective frontiers to live in security, or to maintain a friendly intercourse with each other, if thieves could escape with impunity merely by crossing the territorial line. The policy of the nations and the good sense of individuals, would equally condemn such a dangerous doctrine." (4 *Johnson's Ch. Reports*, 113.)

Your committee will not argue the proposition whether the governor of New York has not stated the principle of the law of nations, on this point, too broadly. But, in their opinion, it is certain that he has either stated it too broadly, or that he is wrong in supposing that the provision of the constitution relating to the surrender of fugitives from justice is but a recognition of the law of nations. Your committee will not, as they well might, insist that the governor of New York is wrong in both propositions; but they, with due deference, insist that he is clearly wrong in the last. That the 2d clause of the 2d section of the 4th article of the constitution of the U. States, is not a mere recognition, but an extension of the principle of the law of nations relating to the demand and surrender of fugitives from justice, is equally clear, in the opinion of your committee, whether we refer to the letter or the spirit of that section.

There was great reason for restricting by the law of nations as much as possible the class of cases where one state might demand and another would be required to surrender fugitives from justice. In every country of Europe the criminal laws have been rude and imperfect. This may be said whether we judge of them from their conformity to truth and justice, the feelings of humanity and the rights of mankind, or by comparing them with the civil jurisprudence of the same countries. The inhumanity and mistaken policy of most of these codes need not be pointed out. With some of them suspicion was the evidence, and the rack the mode of trial. There was, therefore, great reason for caution on the part of every nation, lest its citizens might be dragged abroad to be tried by foreigners, in modes of trial to which they were unaccustomed, for imaginary or arbitrary offences. But when our constitution was adopted there was no reason for any such caution with regard to the rights and duties, in this particular, of the several states composing this confederacy. In each of them, even before the adoption of the constitution, crimes were accurately defined, and penalties were neither arbitrary nor uncertain; all accusations were public; trials were in the face of the world; torture was unknown, and every delinquent was judged of by his peers, against whom he could form no exception even of personal dislike. That constitution was adopted by those states in order to form a more perfect union; to establish justice; ensure domestic tranquillity; provide for the common defence, and promote the general welfare. And by its provisions, which are the supreme law of the land, it guarantees to every state in the union a republican form of government. It provides that the trial of all crimes, except in cases of impeachment, shall be by jury; that *such trial shall be in the state where the crime was committed*; that no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; that no person shall be subject, for the same offence, to be twice put in jeopardy of his life or limb, nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; that excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

In a constitution formed under such circumstances, with such objects, and containing such provisions, one would not expect to find a clause specifying the cases where the demand of a fugitive from justice

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might be made by one state upon another, which could only be justified by a doubt of the justice, humanity and clemency of the different parties to it. On the contrary, one would look in such a clause for an expression of the greatest confidence, by each of the states as parties, in all the rest in these particulars. Nor can your committee believe that a clause in such a constitution, securing to one state the most unlimited right to demand, and imposing upon another the most unqualified duty to surrender fugitives from justice, would impair the security of civil liberty. And such a clause your committee believes the 2nd section of the 4th article to be. The second paragraph of that section is in these words: "A person charged in any state with *treason, felony or other crime*, who shall flee from justice and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime." The words treason, felony and crime are common law terms. The common law was the law of the land in each of the states which were parties to the constitution, and the terms of it were familiar to its framers. They must, therefore, be taken to have been used in their common law sense. Your committee will not stop to enquire into the meaning of the terms treason and felony in the constitution; they will confine such enquiry to the word crime, that being the most comprehensive term used. Blackstone defines *a crime* thus: "A crime or misdemeanour is an act committed or omitted in violation of the public law either forbidding or commanding it." He goes on to say: "This general definition comprehends both crimes and misdemeanours, which properly speaking, are mere synonymous terms." Misdemeanour is generally used in contradistinction to felony, and misdemeanours comprehend all indictable offences which do not amount to felony, as perjury, libels, &c.

Your committee flatters itself that it has shewn already that the 2d section of the 4th article of the constitution of the United States is not a mere recognition of the principle of the law of nations, regulating the right to demand by one nation and the duty to surrender by another, fugitives from justice; but that that clause is much more comprehensive, and was designed as between the states of this Union, to provide a more perfect remedy than was afforded by the law of nations.

But if a further argument was necessary to enforce this view of the subject, it might be derived from the 1st paragraph of this very 2d section of the 4th article. That paragraph is in these words: "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." The first paragraph of this section secures to the citizens of each state all the privileges and immunities of citizens in the several states; and the second paragraph but enforces correlative obligations and duties. Thus are the privileges and obligations of the citizen made reciprocal. The citizen of one state, while he is within the jurisdiction of another, is entitled to all the immunities of a citizen of that state; but if he violate her laws, he is subject to the same punishment.

If any doubt should still exist as to the correctness of this position, it would be removed, in the opinion of your committee, by the proceedings of the convention which framed the constitution, in relation to this clause.

"The original articles of confederation contained a clause in the following words:

"'If any person guilty of, or charged with treason, felony, or other high misdemeanour in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the government or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.'

"In the convention of 1787, the committee to whom were referred the proceedings of the convention, for the purpose of reporting a constitution, reported a draft, in which the fifteenth article was as follows:

"'Any person charged with treason, felony, or high misdemeanour in any state, who shall flee from justice and shall be found in any other state, shall, on demand of the executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of the offence.'

"When the draft was before the convention, on the 28th of August, 1787, it was moved to strike out the words, 'high misdemeanour,' and insert the words, 'other crime;' which motion passed in the affirmative."

And your committee will add that there has been a late decision in New York sustaining this view.

In the matter of Clark, (9 *Wendell*, 212,) the then governor of New York and the chief justice of the state, in conformity with these views, both decided, that a person who was charged with a misdemeanour only, in one state, and had fled into another, ought to be delivered up upon the demand of the executive of the state within which the offence was alleged to be committed. And the misdemeanour charged in that instance, was not one which was recognized as such by the universal law of all civilized countries, but at common law amounted only to a breach of trust. This decision was made after the most elaborate argument and investigation.

The 2d section of the 4th article of the constitution as thus construed, is just such a provision as the convenient administration of justice demanded. Each state having confidence in the justice and clemency of the others, nothing forbade, and convenience required, that an offender who had committed a crime in one state, no matter where found, should be removed to that state for trial. Most likely, there would be found the evidence of his guilt; there the laws which he had violated would be best understood, and most perfectly administered; and above all, the character of his accusers more properly appreciated.

In the opinion of your committee the next position assumed by the governor of New York is as untenable as the first, to wit: That the second section of the fourth article applies only to those acts which, if committed

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within the jurisdiction of the state in which the person accused is found, would be treasonable, felonious, or criminal by the laws of that state. If the construction contended for by the governor of New York be the proper one, then the provision in the constitution was unnecessary. "The jurisdiction of every sovereign state extends to the whole of its territory and to its own citizens in every part of the world. The laws of a nation are rightfully obligatory on its own citizens in every situation where these laws are really extended to them. The principle is founded on the nature of civil union. It is supported every where by public opinion, and is recognized by the writers on the law of nations. Rutherforth in his second volume (page 180) says: "The jurisdiction which a civil society has over the persons of its members affects them immediately, whether they are in their territories or not." (*Chief Justice Marshall's speech in the case of Jonathan Robins.*) If the provision, securing the right to demand a fugitive from justice, was only to operate where the laws of New York were violated, then it was superfluous, as New York might enact a law providing for his punishment if apprehended within her territory, no matter where the offence was committed. And in accordance with this principle the legislature of that state has enacted a statute punishing offences committed by its citizens without her territory. (2 *R. S.* 698, § 4.) That the clause was not designed to provide only for the case of a citizen of one state taking refuge in any other state than the one of which he was a citizen, is admitted by the governor of New York himself. "It has long been conceded," he says, "that the citizens of the state upon which the requisition is made are liable to be surrendered as well as citizens of the state making the demand."

The correctness of the position taken by your committee is sustained also by a solemn judicial decision of New York. In the matter of Clark, chief justice Savage declares: "With the comity of nations we have at present nothing to do, unless perhaps to infer from it that the framers of the constitution and laws intended to provide a more perfect remedy; *one which should reach every offence criminally cognizable by the laws of any of the states;* the language is treason, felony or other crime; the word crime is synonymous with misdemeanour, and includes every offence below felony punished by indictment as an offence against the public."

But admit that your committee is wrong in this; restrict the clause as much as is contended for; admit that a former governor of New York was wrong; that the chief justice of that state was wrong, and that the present governor is right—admit all this, and your committee humbly submits, that the answer of the lieutenant governor of Virginia to the governor of New York, on this head, is conclusive. He says: "Is it true that the offence committed by Peter Johnson, Edward Smith and Isaac Gansey is not recognized as criminal by the universal law of all civilized countries? They are charged with *feloniously stealing* from John G. Colley, a citizen of this state, property which could not have been worth less than six or seven hundred dollars. And I understand stealing to be recognized as a crime by all laws human and divine." To this the governor of New York replies: "It is freely admitted that the argument would be at an end if it were as clear that one human being may be the property of another, as it is that stealing is a crime. On the contrary, however, I must insist, with perfect respect, that the general principle of civilized communities is in harmony with that which prevails in this state, that men are not the subject of property, and of course that no such crime can exist in countries where that principle prevails, as the felonious stealing of a human being considered as property."

The governor of New York thus resolves the whole controversy into the question whether slavery can legally exist; and whether slaves are to be regarded as property by the northern states of this confederacy, in their intercourse with the southern. In this view of the subject it assumes a consequence which it would not otherwise possess, and which demands of the general assembly that it should speak in a manner that cannot be misunderstood.

That one human being may be the property of another, and that laws making him such have been recognized by the universal consent of all civilized nations, is a proposition which cannot be denied. Your committee does not recollect a solitary civilized nation of modern times which has not, within the nineteenth century, recognized slaves as property. Not to swell this report by an enumeration of other instances, your committee will refer to the case of Great Britain—a nation more fastidious, and your committee might add, more fanatical upon this subject than any of the other nations of the earth. It has only been within a few years that she has abolished slavery within her own jurisdiction; and in a late treaty with this country she recognized them as property in the most emphatic manner, by making pecuniary satisfaction to the owners of such as were abducted by her forces during the late war. But what is still more to the purpose, every state in the Union except Massachusetts, at the time of the adoption of the constitution, tolerated slavery, and admitted that one man could be the property of another. Indeed it has only been within a few years that New York has abolished slavery within her own limits. Until that time, even by her own laws, one man might be the property of another. The states not only in their separate individual capacity recognized property in slaves, but in the most solemn manner, in their collective capacity, in the adoption of the federal constitution, did they declare that recognition. That constitution not only recognizes slavery, but it guarantees and protects the master's right of property in his slave. In proof of this your committee need only refer to the third paragraph of the 2d section of the 4th article of the constitution. But for that clause a slave who should escape from his master into a free state would become free and could not be reclaimed. Considering the facility of escape from many of the

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slave states to the so called free states, this provision was a most efficient protection to us in the enjoyment of our property. But your committee will not further press this view of the subject, as it is already familiar to the public mind.

It has been shewn that at the adoption of the constitution slavery existed in every state which was a party to it except one. It was recognized and guaranteed by that constitution itself, which was the act of all the states. Is it competent for one party, by abolishing slavery thereafter within her own jurisdiction, so to affect it in other states as to destroy it as a subject of theft, and thereby, without the consent of the other parties, change her duties under the constitution. Surely one party cannot directly or indirectly vary or impair the compact without the consent of the other. Had this question arisen shortly after the adoption of the constitution, even upon the principles of the governor of New York, there could have been no difficulty as to his duties. Then slaves were property in New York; and the governor says that if one man could be the property of another, and thus become the subject of theft, the argument is at an end. Was it competent for New York by any act of her own, without the consent of the other parties, to modify or change her duties under the compact, and to relieve herself from the discharge of those duties under which she was acknowledgedly placed by its provisions at the time of its adoption? Can such a proposition be insisted on?

In this connexion it is proper to enquire what laws existed in Virginia, in relation to the stealing of slaves, at the adoption of the federal constitution. The same laws which are now in force in Virginia were in force then. Our statute contains two provisions upon this subject. The first is in these words: "If any person or persons shall hereafter be guilty of stealing any negro or mulatto slave whatever, and be thereof lawfully convicted, whether the said slave or slaves so stolen shall have been taken out of or from the actual or immediate possession of the owner or owners of such slave or slaves, or shall have been elsewhere found, he or they shall be adjudged guilty of felony, and shall undergo a confinement in the penitentiary for a period not less than three nor more than eight years." (1. *R. C. page* 427.) The other provision of our statute is in these words: "Whosoever shall hereafter carry or cause to be carried, any slave or slaves out of this commonwealth, or shall carry or cause to be carried, any slave or slaves out of any county or corporation within this commonwealth, into any other county or corporation within the same, without the consent of the owner or owners of such slave or slaves, or of the guardian of such owner or owners, if he, she or they be a minor or minors, and with the intention to defraud or deprive such owner or owners of such slave or slaves, shall be adjudged guilty of felony, and subject to prosecution as in other cases of felony, and upon conviction thereof shall be punished by fine not less than one hundred nor more than five hundred dollars, and shall also be imprisoned in the jail or penitentiary house for a period not less than two nor more than four years; which fine and imprisonment shall be fixed and ascertained by a jury." In the next section of the act, it is further enacted, "That not only all those who shall willingly and designedly carry away slaves as aforesaid, but all masters of vessels who having a slave or slaves on board their vessel, shall sail beyond the limits of any county with such slave or slaves on board, shall be considered as carrying off or removing such slave or slaves, within the true intent and meaning of this act." (1. *R. C.* 428.) This statute was passed as early as 1753; and the only change which has been made in it consists in the substitution in 1799, of confinement in the penitentiary, in place of "death without benefit of clergy" as the punishment for the felony created by it. Let it not be said that these laws are harsh. They are less sanguinary than they were at the adoption of the constitution. But if they be so, citizens of other states need not come unless they choose, into Virginia; and if they do they need not violate her laws and incur their penalties.

Thus stood the matter at the adoption of the federal constitution. Did Virginia and the other southern states understand that the northern states, by abolishing slavery within their limits, would take the felony of stealing a slave out of the operation of the 2nd section of the 4th article of the constitution? If they had so understood it, would they have agreed to the adoption of the constitution?

If there was one feeling, more than any other, which marked the conduct of southern men at the time of the adoption of the federal constitution, it was extreme jealousy and distrust of the northern and eastern sections of this union on the subject of slavery. The proceedings of each of the conventions, south of the Potomac, which adopted the constitution, demonstrate this too clearly for doubt. All must admit, that no constitution would have been acceded to by a solitary southern state, which did not contain the amplest guarantee of property in slaves. The caution which our southern statesmen manifested on this subject was set down, at the time, to the score of idle fears and ungenerous jealousy. But among the numerous instances in which they discovered a sagacity and wisdom almost more than human, not one was more remarkable than this. With a sagacity which partook of prescience, they descried the dangers with which we are at present environed, and they provided against them by provisions in the constitution itself, as far as they could be relied upon, and by a reservation of all the means of protection which unimpaired sovereignty can afford when these should prove ineffectual.

The southern states demanded that a clause should be inserted in the constitution, providing for the capture of fugitive slaves. Could men who required a provision of that sort, have been guilty of the inconsistency and absurdity of agreeing to a constitution under which any one of the distrusted states could produce a condi-

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tion of things in which, although there would be an obligation to send back to his bondage, the slave who had fled from his master to gain his liberty, yet the felon who should steal him from this very master, might go acquit? Such fatuity might be looked for in madmen, but not in a body of statesmen, unequalled in the history of the world for their cautious wisdom.

In the opinion of your committee, if the construction contended for by the governor of New York, was justified by the letter of the constitution, (as it clearly is not,) it would yet be a palpable violation of its spirit, and render that constitution *a fraud* upon a portion of the parties to it.

The positions of the governor of New York, when carried to their legitimate results, lead to consequences of a most frightful character, and which, as it seems to your committee, could not have been duly weighed by him. The governor of New York says, it is no offence to steal a slave, because one man cannot be the property of another, and cannot, therefore, be the subject of theft. If, for these reasons, it be no offence to steal a slave and carry him to New York, it would be none to steal him and carry him to Louisiana. Surely, in such a case, it would make no difference whether the thief steered north or south after committing his robbery. The consequence is, if a citizen of New York were to come into this state, inveigle a cargo of our slaves on board his vessel, under the pretext that he meant to take them to some "land of liberty," and should carry them to Louisiana and sell them in the New Orleans market, and should thereafter take refuge in New York, he would be free from arrest, and could not be made to expiate his crime. And without wishing to make any unjustifiable attack upon the citizens of any state of this union, your committee would be wanting in candour, if they expressed a doubt that such a case, if the course of the governor of New York should be persevered in, would be of probable and frequent occurrence. There are bad men in every country who will commit offences when they can profit by it, and do it with impunity. But what is still more probable, (if the course of the governor of New York be acquiesced in,) is, that those deluded enthusiasts at the north, who, in pursuit of something they know not what, are spending thousands and thousands in efforts which they must see, if they be not blinder than any one, except a fanatic, ever yet was, can never accomplish their object, will attempt to make those efforts practically efficient, by coming into our state and making it a labour of *virtue* to *steal* our slaves and convey them to a more galling bondage than they now suffer, in the northern states.

Suppose one of those northern fanatics, who believing that the shedding of the blood of the wives and children of southern slaveholders would be but an acceptable offering in the eyes of God, should come among us, and after inciting our slaves to insurrection, and aiding and abetting them in it, should escape into New York, consistency would compel the governor of N. York to refuse to deliver him up for trial and punishment. He would say one man cannot be the property of another. These negroes therefore were held in illegal bondage, and the person who aided them in their effort to throw it off only performed a meritorious action.

Your committee do not wish by these remarks to excite idle fears. This general assembly do not represent a timid people. But the abhorrent consequences flowing from the positions of the governor of N. York, if carried to their legitimate results, tend to demonstrate the unsoundness of those positions themselves.

The most painful circumstance attending this controversy with a sister state, originates in the conviction which forces itself upon the mind of your committee, that the executive of N. York has taken his extraordinary course, either under the influence of the fanatical feelings of the northern abolitionists, or with a view of conciliating those enemies of the domestic tranquillity of this country. The distinctions of the governor of N. York are impracticable, and will rarely be applicable to any other case than one similar to that under consideration. The common law of England is the law in every state of the Union except one. The statutory crimes and felonies, in them all, are very nearly of the same character. There is scarcely an article, except slaves, which is property in one state, that is not property, and the subject of theft, in all. The untenable distinction therefore of the executive of N. York, seems to have been taken with a single view of protecting the depredators upon our slave property; a species of property to which we adhere with a stronger tenacity than such as originates only in a calculation of its value.

Your committee lament the course of the executive of N. York, and they trust that it will not be persevered in. They lament it not more on account of the interests of this state, than of N. York. They lament it because it brings the existence of this Union into jeopardy.

It is the pride and glory of our country to be an asylum for the persecuted and oppressed of every nation and every clime. But should any state of this Union erect herself into a place of refuge for the thieves and robbers who might escape from the offended justice of any of her sister states, she would sully that glory and render herself unworthy of that sisterhood which should be her pride. And the country may rest assured that in such an event Virginia will take proper measures to extricate herself from such an unholy alliance!

Your committee now approach the only part of their duty, the discharge of which has given them any difficulty. What is the proper remedy in this case? The means of redress and protection which are within the reach of Virginia are ample. The only difficulty which your committee has had has been in selecting one consistent with the relations imposed upon the members of this confederacy by the constitution. A variety of remedies have been proposed:

1st. An appeal to the supreme court of the United States.

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2nd. An appeal to the congress of the United States so to amend the statutes heretofore passed upon that subject, as to authorize the demand in the cases contemplated to be made upon the circuit judge of the United States, having jurisdiction in the state where the fugitive may be found.

3rd. The appointment of inspectors to inspect all vessels trading to the north, to see that no slaves are secreted.

4th. The requirement from all citizens of N. York coming into Virginia, security for their good behaviour.

5th. A solemn appeal to New York herself to redress our wrong and to do us justice.

There are objections to all of these remedies, but something to recommend most of them.

1st. An appeal to the supreme court, in the opinion of your committee, is entirely out of the question.

In the first place, in the opinion of your committee, the supreme court has no jurisdiction. The case is in the nature of a national demand made by one state upon another; and not such a "*case in law and equity*" as comes within the provision of the constitution. There is nothing of "*meum et tuum*" involved in the controversy. The question cannot conveniently "assume a legal form for forensic litigation and judicial decision." "By extending the judicial power to all *cases in law and equity*, the constitution has never been understood to confer on that department any political power whatever." (*Chief Justice Marshall.*) Besides this the remedy would be ineffectual. If successful in this case even, it would afford no protection for the future. But would it be successful in this case? Your committee cannot express the belief that it would. As a mere judicial opinion of the duties of the executive of New York, most probably it would be unheeded. We have seen the governor of New York disregarding the decisions of the supreme court of his own state; and it is not probable that he would shew a greater deference for the decision of the federal judiciary. Besides, how could the judgment of the court be enforced? Your committee cannot recommend any course which might and probably would bring the authorities of the federal government and of the states into collision. But above all, the wish of Virginia is that New York should herself, freely and magnanimously do us justice. We would prize but little that justice which she should be forced reluctantly to yield us.

2d. To the second remedy proposed, your committee has also decided objections, and it cannot withhold the expression of its regret that Georgia, with whom Virginia will make common cause, should recommend it.

In the first place, the surrender of a fugitive from justice is properly an executive duty. The executive is at the head of the civil and military authority. It holds and directs the force of the state. When therefore a surrender is to be made the executive can best discharge the duty. Besides, it being at the head of the state, it is especially its province to determine in what cases a citizen is to be delivered up to be removed to another state for trial. If any change of the law is to take place upon this subject, it must be a general one; and your committee is averse to a change by which the decision of the question whether the citizen of a state shall be surrendered as a fugitive from justice, shall be transferred from the chief civil and military officer of the state to the federal judiciary. In a case involving the liberty of the citizen, the supreme authority *of the state* is the proper tribunal for its decision. In addition to this it might be urged with much force, that the provision of the constitution itself contemplated that the duty of surrendering a fugitive from justice should be discharged by the executive of the state to which he had fled. It is true the provision is silent as to the tribunal upon which the demand is made; but it provides that the fugitive is to be delivered up "on the demand of the executive authority of the state from which he fled;" and the inference is strong that the clause contemplates that the demand is not only to be made by the executive of the state from which the fugitive had fled, but to be made upon the executive of the state in which he had taken refuge. There was as great or greater reason for requiring that the demand should be made upon, as by, the executive. And the act of congress passed shortly after the adoption of the constitution is in accordance with this view.

Besides, the change proposed would add another to the list of cases, already too long, in which the state and federal authorities may come into collision. There may be cases, where no state would permit a citizen to be surrendered, as a fugitive from justice, by the federal judiciary. And in some of them, resistance would be interposed, when it would never have been thought of if the surrender had been ordered by the state authority. And in the opinion of your committee, no practical result would be produced by such a change; for in all exciting cases the state courts will be called upon in any event to adjudge the case finally.

But above all, your committee is averse to sending this subject into congress, and thus giving the abolitionists the long-wished for opportunity of denouncing in the national legislature an institution of such peculiar character and paramount importance, and of franking their incendiary effusions to the four quarters of the Union. We have always denied that slavery was a fit subject of congressional discussion, and your committee cannot recommend any course which will bring that subject into debate there. And your committee is strengthened in this view by witnessing the exultation which the abolitionists manifest at the prospect of this subject being introduced by ourselves in this form.

3d. The proposition to appoint inspectors. This has much to recommend it. In the first place, the remedy is specific to the wrong. It is clear of all constitutional difficulty. The principle upon which such a law would be founded has been frequently recognized. In point of time first in the recognition of the validity of quarantine regulations, and last in the law punishing the transmission of incendiary publications by mail.

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But it is liable to objections. To bring it, perhaps, within the constitution, it would have to be general. In such an event the law, which would be harassing and vexatious, would operate equally upon those who had wronged us, and those who had not. Besides, it would be difficult to enforce it in an effectual manner. A vessel might be inspected one hour, and the next take a slave on board and be off. This would be the case particularly in the navigation of our long rivers.

4th. The requirement of security for good behaviour from the citizens of New York. This would be perfectly just in itself, and might produce desirable results. But your committee will not recommend it at this time, as it is liable to many objections. In the first place its constitutionality might be questioned. Although it is true, that the constitution is a compact between the states; and although it is also true, that when such a compact is broken by one party, it ceases to be binding on the rest, yet we ought not *now* to take this ground—we may be driven to it in the end. But your committee will not take it for granted that New York will persevere in her unconstitutional course. Let us give her every opportunity to retrace her steps, and not render an amicable adjustment of our difficulties impossible, by acting as if we considered the constitution no longer binding upon us, because it had been broken by her.

5th. A solemn appeal to New York to review her course and render us justice. The objection to this is, that New York having in one instance, at least, before this, failed to discharge her duties as a member of this Union, in taking effectual means to protect us from the attacks of her citizens upon our domestic institutions, in a manner to meet our just expectations, has deprived herself of the right to be met in the amicable spirit which this course would indicate. But the governor of New York, in his late annual message, has brought this whole subject to the attention of the legislature of that state; and your committee is unwilling to believe, that the state, in its sovereign capacity, will sanction the course of her executive.

It is true, that the governor of New York takes the ground, that the subject is one that appertains to the executive department. He says: "The duties of that department, in such cases, are prescribed by the constitution of the United States, and not by the constitution and laws of New York." Nevertheless, as he has brought the matter to the attention of the legislature, and expressed a deference for it, the probability is, that he would acquiesce in any disposition which it should make of the subject. And your committee is fortified in this opinion, by the fact that the governor of New York, in his correspondence with the executive of this state, declared "that as an executive officer of that state, he was bound to regard, with very great deference, and the argument must be conclusive, which should prevail with him, to act in opposition to a legislative exposition of his duties."

Your committee will not discuss the question whether this is a matter about which the state legislatures can act at all. There are many difficult questions involved in it which need not be solved. It may be insisted, that this is a question arising under the constitution of the United States, with which the state legislatures have nothing to do. On the other hand, it may be contended that the state legislatures possess *the exclusive* right to legislate upon this subject, and that the provision of the constitution merely imposes a duty upon the states, but vests *no power* in the federal government, or any department of it, except the *judicial* power of declaring and enforcing the rights secured by the constitution. The third ground might be taken, that the power of legislation was concurrent in congress and the state legislatures. Your committee will not undertake to decide these questions; but it cannot bring itself to doubt but that the state legislature may act in a manner, not contravening the constitution and laws of the United States, to bind the executive of the state.

Let it not be said that by conceding the right of the state government to legislate upon the subject, we concede a power which may be exercised in a manner to impair our rights under the constitution and laws of the U. States. It does not follow that because the state legislatures may co-operate in securing our rights under the constitution and laws of the U. States, it may legislate in derogation of them.

For these reasons, your committee are disposed to await the action of the legislature of New York; and they are the more disposed to this course, as there is no occasion for haste. The slave which was stolen in this instance has been recovered. No private justice is delayed. Nothing is involved in the controversy but a principle; an important one it is true, but one which will not be jeoparded by the delay proposed. In the mean time your committee recommends that the executive of this state be requested to renew his correspondence with the governor of New York; to apprise him of the importance we attach to the subject; to communicate our proceedings to him, and respectfully request that he will bring those proceedings to the attention of the legislature of his state.

The subject which your committee have had under consideration is one in which the whole of the slave-holding states are equally interested with Virginia. Your committee therefore recommend that the governor of this state be requested to open a correspondence with the executive of each of these states, informing them of the importance which Virginia attaches to this subject, communicating our proceedings in relation to it, and asking their co-operation in all proper measures of redress, which in the event that New York shall decline to do us justice, we may be called upon to adopt.

The people of Virginia have not witnessed the controversy, somewhat similar to this, in which Georgia is involved with Maine, without taking in it the deepest interest. Virginia is prepared to make common cause with Georgia, or any other slave-holding state, in a similar controversy.

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It is true that the grounds taken by the governor of Maine are much less exceptionable than those assumed by the executive of New York; but in the opinion of your committee not less untenable. Your committee will not extend this report to establish by argument a proposition, which has already been demonstrated by others, and which will not be controverted by any unprejudiced mind. But the very variety of indefensible expedients resorted to by the authorities of some of the northern states to avoid the discharge of their constitutional duties goes the more clearly to demonstrate the deep rooted hostility of those states to our domestic institutions, our peace and prosperity.

The patience of the south has already been too severely taxed, and we once for all, without bravado or threat, in the language of a distinguished senator of New York, warn the non-slave-holding states "that they may find when it is too late that the patience of the south, however well founded upon principle, from repeated aggressions will become exhausted."

Your committee do not apprehend that the cause of the moderation which they recommend will be misunderstood. We are too clearly right to be rash. Fortunately Virginia's character for chivalry is not so doubtful that she must be rash in order to seem to be firm.

Your committee cannot close this report without expressing in high terms its cordial approbation of the conduct of the executive of Virginia in relation to this controversy with New York.

Ordered, That the clerk communicate the said preamble and resolutions to the senate and request their concurrence.

On motion of Mr. CROPPER, *Resolved*, That the committee for courts of justice be instructed to enquire into the expediency of passing a law subjecting any vessel employed in carrying slaves out of this commonwealth contrary to law to the owners of said slaves for the payment of the same.

On motion of Mr. DORMAN, *Resolved*, That the first auditor communicate to this house (as near as practicable) the cost attendant upon the re-assessment of the lands of this commonwealth.

Mr. TUNSTALL from the joint committee on the public library presented a report upon the state of the library.

On motion of Mr. SNIDER the house adjourned.

SATURDAY, FEBRUARY 29, 1840.

A communication from the senate by their clerk:

IN SENATE, FEBRUARY 28, 1840.

The senate have passed the bill, entitled,

"An act concerning western land titles."

They insist on their 3rd and 4th amendments to the bill, entitled "an act to amend the several acts concerning the Northwestern turnpike road," to which the house of delegates disagreed.

And they have agreed to the amendments proposed by the house of delegates to their 5th amendment to the said bill.

The said bill and proposed amendments were on motion of Mr. SEYMOUR ordered to be laid upon the table.

On motion of Mr. MAY the committee for courts of justice was discharged from the consideration of petitions from the attornies practising in the 8th judicial district; of Woodson Ford and others; of citizens of Richmond county to authorize a certain person to solemnize the rights of matrimony; of Bolling Jones; of the Benevolent Mechanic society of the borough of Norfolk; of citizens of the county of Montgomery relative to the sale of ardent spirits; and of citizens of the county of Goochland that a certain free woman may be permitted to remain in the state; and from the resolutions relative to liabilities of constables and their securities in their official bonds; for re-arranging the judicial circuits of the state; for requiring trustees to give security for the faithful discharge of their duties; and for changing the mode of selecting jurors, and allowing them compensation; and from the bill (No. 97) concerning lotteries; and the said petitions, resolutions and bill were laid upon the table.

Mr. ROBERTSON presented a petition of V. A. Stewart, praying indemnity for the amount of money expended by him in the detection of a certain Murrell and his accomplices, which on motion of Mr. MAY was ordered to be laid upon the table.

Mr. CARDWELL from the committee on enrolled bills reported that they had examined the said bills from No. 60 to 72, and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination.

On motion of Mr. ROBERTSON the resolution submitted by Mr. CRUTCHFIELD on yesterday was taken up and agreed to as follows:

Resolved, That the president or secretary of the James river and Kanawha company be requested to report to this house a statement shewing

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1. The aggregate amount of the printed or engraved notes issued by the company, payable at six months' or other specified periods, to order, carrying six per cent. interest, commonly called James river and Kanawha company scrip.

2. The aggregate amount of said scrip which has been taken in or redeemed, shewing whether the same was paid in money, exchanged for stock of the corporation of Richmond or of the state, or for the thirty years bonds of the James river and Kanawha company, guaranteed by the state.

3. The amount now outstanding of said scrip.

4. The amount of the James river and Kanawha company's bonds guaranteed by the state, which have been issued, and in what manner disposed of—whether immediately to first creditors of the company, or to purchasers of the scrip from them, and whether at par or less.

5. The amount of the stock of the corporation of Richmond bearing six per cent. interest, received of said corporation in payment of its subscription—how much thereof has been sold or disposed of, at what rate, and in what manner, whether immediately to first creditors of the company or to purchasers of the scrip from them, and what amount of loss if any has been sustained by the company on the stock received from the corporation of Richmond.

6. The common rate of discount, monthly, in the market on the several scrips, bonds and stocks above specified, from the time the company commenced issuing or disposing of them.

7. The amount of contracts entered into since the company began to issue their scrip, stating the monthly amount during the last six months, and the amount still executing and to be executed, distinguishing the amount above Lynchburg from that below.

8. In what medium the compensation and salaries of the president, directors, engineers, and other officers and agents of the company have been and are paid, whether in money or in the scrip of the company, at par or otherwise.

No. 121. An engrossed bill increasing the reward for apprehending runaways in certain cases, and for other purposes, was taken up on motion of Mr. TAYLOR *of King George* and read a third time; thereupon a clause by way of ryder thereto was submitted by him, which was twice read, and forthwith engrossed and read a third time, and the said bill and ryder was passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. VENABLE from the committee on banks presented the following bill:

No. 254. A bill to authorize the banks of this commonwealth to issue notes of the denomination of one and two dollars.

On motions made, leave of absence was granted to Messrs. FOX and BASKERVILLE for the remainder of the session from Monday next.

No. 80. A bill, entitled "an act concerning flour barrels," with the amendments thereto proposed by the senate, was taken up on motion of Mr. ROBERTSON, and the said amendments being agreed to, the clerk was ordered to inform the senate thereof.

Mr. MAY presented a petition of Henry Timanus and others praying for some redress for losses on the bonds of the James river and Kanawha company held by them, which on motion of Mr. VENABLE was laid upon the table.

Mr. CONN presented a petition of a portion of the citizens of the county of Shenandoah, praying the passage of a law authorizing the county court to take stock in the Valley turnpike, which on motion of Mr. VENABLE was laid upon the table.

On motion of Mr TUNSTALL the following report was taken up and read:

The joint committee of the senate and house of delegates appointed to examine the library, having performed that duty, make the following report:

It appears from the report of the librarian of the "receipts and disbursements of the library fund," which by the act of 22d February 1830, "concerning the public library," he is required annually to render to the joint committee, that there was

On hand January 1st, 1839, as per last report a balance amounting to - -	1,049 78
Received during the year ending 31st December 1839, from sales of books and maps the sum of	2,750 40
Making an aggregate of - - -	$3,800 18
Which was applied to the payment of interest on $9,500 at 6 per cent. due to the literary fund borrowed under acts of February 28th, 1829, and 22d February 1830, - -	570 00
Appropriation to library at Lewisburg under act of 28th March 1839. - -	500 00
Purchases of books, including a small amount of contingent expenses, - -	2,718 64
Leaving an unexpended balance on 31st December 1839, of - - -	11 54
	$3,800 18

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All of which appears more in detail in the accompanying statement of the librarian's account, which has been carefully examined, and found to exhibit a degree of correctness to which the committee take pleasure in bearing testimony, as well as to his general fidelity and capacity in conducting the affairs of the institution.

The committee have found that the library room is scarcely capable of containing the present number of volumes, and looking to its extension, on the same principle of enlarged patriotism, which has heretofore guided the general assembly in creating and subsequently extending to it a fostering care, think it necessary that some provision should be made for the increase to be made in future as well as for its present wants. They have, therefore, adopted a resolution recommending that the law library be transferred to the small room now occupied by the secretary of the commonwealth adjoining the library, which from the most casual observation will be found too small for the arrangement and preservation of the present large and still accumulating mass of records and papers under the care of that officer; and most illy suited to the convenience of the chief magistrate of the commonwealth, the greater part of whose duties have reference to papers in the care of the secretary, and as at present situated, must be discharged at a great sacrifice of his comfort and convenience. For the better understanding of this matter, we refer to the following portion of a communication addressed to the general assembly by the governor on the 3d March 1838.

"The room now occupied by the secretary, in which he keeps all the books, papers and documents belonging to the executive department, and where he and his assistant clerks perform their duties, is about fifteen feet wide, having in it but one window, and that one at the end near the fire-place, where there is not space for more than one small table or writing desk. This office ought to be sufficiently large to accommodate the secretary and both his clerks with suitable tables and desks for their papers, and for a table for the governor, whenever it becomes necessary for him to transact business with the secretary."

"The governor has no room or office in the capitol, and when he transacts any business there, he is obliged to do it in the council chamber. This subjects him to interruption and inconvenience; but even if this were not the case, he should have a room under his entire control, where he might receive gentlemen having business with him."

In connection with this subject, the committee have also recommended that the office of the secretary of the commonwealth be transferred to the large room adjoining, which was originally appropriated as a council chamber, when the executive was differently constituted under our former constitution, and when the council consisted of eight members. The committee think that one of the smaller rooms of the capitol will be amply sufficient for the accommodation of the council, and that a decent respect to the comfort of the chief magistrate of the commonwealth requires the change to be made. They have made this recommendation the more readily because no expense will be necessary to prepare the secretary's office for the law library, as the present shelves are very suitable for receiving the law books, and when this change is made, the committee believe the public interest will be promoted in the more prompt dispatch of judicial business, by making this room at the same time the law library and the judges' conference room, which the committee understand, will be peculiarly acceptable to them. The judges will then vacate their present conference room to be used in place of whatever room the council may select.

By the 2nd section of the act "concerning the library," passed February 28th, 1829, requiring the president and directors of the literary fund to loan $6000 to the library fund, it is prescribed that "the librarian shall set apart, from time to time as the proceeds of sale may be received, one half of such proceeds for the payment of the annual interest accrued on said loan, and for the final redemption of the principal thereof." The act "concerning the public library," passed 22nd February 1830, directed a further loan of $4000 and suspended the payment of the principal "until the further order of the general assembly," but special authority being given to the joint committee by an act passed on the 20th March 1832 "to direct the gradual extinction of the debt due from the library fund to the literary fund, at such times and in such proportions as in their opinion the interest of the library and the income of the fund will justify"—the committee deem it their duty, looking to the present condition of the library, to carry out the spirit of the act authorizing the first loan which made it imperative on the librarian to appropriate part of the funds of the institution to the extinguishment of its debt; they have therefore directed that $500, the present year, and $1000 annually hereafter shall be appropriated to the extinguishment of the principal.

The suggestions of the librarian in relation to the commencement of a foundation for a library for the military institute recently established at Lexington arsenal are regarded by the committee as founded in wisdom and sound policy, but considering the appropriation of any part of the literary fund as more peculiarly a subject for the consideration of the committee of schools and colleges, they forbear to do more than to recommend that part of his report to the consideration of the general assembly, and that the institute be put upon the same footing as the colleges in regard to donations of books and maps from the library fund.

The committee also consider it expedient to supply such new counties as have not received it with a copy of the small map, all the counties which existed at the time of the publication having been furnished, and the remainder given to the library.

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It appears to the committee that by the customary interchange between this and the other states, a number of copies of the laws of the several states and the United States have accumulated in the capitol. One copy being necessarily preserved in the library, the committee recommend that the surplus copies be collected and sent to the library of the court of appeals at Lewisburg and to the University, at both which places they would be valuable.

The committee respectfully submit the following resolutions:

1. *Resolved*, That the accounts of the librarian ending the 31st December 1839 be received and allowed.

2. *Resolved*, That the librarian be and he is hereby directed to furnish the clerks of such new counties as have not been supplied, with a copy of the small map to be deposited in their offices.

3. *Resolved*, That the librarian be, and he is hereby directed, to cause to be collected all copies of the laws of other states and of the United States which have not been deposited in the library, and one copy to be sent to the library of the court of appeals at Lewisburg and one copy to the University.

4. *Resolved*, That the room occupied as the office of the secretary of the commonwealth be attached to the library, and that provision be made for transferring that office to another apartment.

5. *Resolved*, That the library committee be authorized to make such donations of books and maps to the military institute as have heretofore been given to the colleges.

The first, second, third and fifth resolutions were severally agreed to and the fourth resolution was disagreed to.

Annual Report of the Librarian upon the State Library for the year 1839.

On the 1st day of January 1839, there was on hand, as per the last annual report, a balance of	$1,049 78
And there has been received during the year, from sales of books and maps, the sum of	2,750 40
	$3,800 18

Which has been applied,

To payment of interest on debt to literary fund,	570 00
To purchases of books,	2,607 62
To appropriation by act 28th March last for library at Lewisburg,	500 00
To boxes for packing,	15 70
To contingent expenses,	95 32
Leaving an unexpended balance on the 31st December 1839 of	11 54
	$3,800 18

All which is fully stated in the accounts marked A. and C.

The purchase of books for the library at Lewisburg, which were all imported from London, exceeded the amount applicable to that purpose, $17 77. A further appropriation of $500 for the next year is directed by the act of March 28, 1839.

From the catalogues delivered to me of purchases for the present year, all the books were selected which it was necessary or expedient to import, and orders for them sent to London at an early period, with instructions to forward the bills to me as speedily as possible, and to ship the books to Richmond direct. The purchases it appears were promptly made, but from some cause not known to me, I was not advised of the fact until the middle of November when the invoices were received—although I had in the mean time enquired and particularly requested the information, which was indispensable, to enable me to make the purchases at home.

Inferring from this that the London purchases were not and would not be made, during the present year at least, and after waiting to hear from them until the first of October, I then proceeded to Philadelphia and purchased all the books which had not been ordered from London. When, afterwards, the invoices were received from London, I found that the whole amount of purchases, including the appropriation of $500 for the library at Lewisburg, exceeded the funds received to that time, the sum of $540, which, upon a representation of the facts, was promptly supplied by the Farmers bank. Of that sum $200 has since been paid from the receipts of the library fund, and there remains due to the bank $340, which the amount due for sales made but not received at this date is sufficient to pay off, and which will probably be received in all the month of January.

The committee will perceive that this excess of disbursements over the receipts was unavoidable under the circumstances, unless I had continued to wait for the London invoices, which there was at the time of making the other purchases no reason to expect, and when it would have been too late for these last, some of which were indispensable.

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The balance unexpended is small, but the receipts for the year 1840 may be safely estimated at double the amount which is to be provided for, viz:

Interest on debt to literary fund, - - - - -	570
And appropriation for the library at Lewisburg, - - -	500
	$1070

But it would not, I think, be expedient to direct any additional purchases for the year, other than the several periodicals of the law department and in general literature.

I have, heretofore, several times urged the expediency of paying off the debt due to the literary fund, and do not feel at liberty to trouble the committee with any further remarks upon that subject. I beg, however, to refer to that part of the report for 1838, which proposes to give the amount of this debt to the university and the colleges in books to be purchased from the library fund.

This was recommended by the committee, but was not concurred in by the house of delegates, upon the ground that it was not a legitimate application of the fund designed by law for the primary schools. Since that time a military school, upon the plan of the United States academy at West Point, has been established at the Lexington arsenal, and the band of hired soldiers, formerly maintained by the state at that place, substituted by a corps of young men of character, who render the service of a military guard, and receive from the state an education calculated to make them valuable citizens or soldiers. The provisions of the act establishing this school, secure to every portion of the state a just and equal participation in its benefits, and it has gone into operation with the happiest prospects. It would be superfluous to offer a remark upon the advantages which may reasonably be expected from this institution, and I respectfully suggest whether it is not peculiarly entitled to the aid formerly proposed to be given to colleges. If the sanction of the legislature can be obtained for the application of the debt, or a part of it, which is due from the library to the literary fund, the military institute might soon be supplied with a library in literature, science and the arts, which would in a high degree promote the diffusion of knowledge throughout the state. This disposition of so much of the surplus of the literary fund seems to be, at least, within the spirit of the law providing for public education, and therefore not liable to the objection which prevented a similar disposition in regard to the colleges. A few works of which there are duplicates in the state library, together with the maps and a portion of the books which constitute the library fund, might at once be furnished as the foundation for such a library as the military institute will require.

The library room is now entirely filled with books, and some provision for that contingency has become necessary. The convenience of the judges of the court of appeals and general court would be greatly promoted by transferring the law department to another room, and that would also give the requisite space in the library. It is also desirable to close the alcoves for the better preservation of the books.

Document A. is an account of the receipts and disbursements of the library fund; B. a tabular statement of the books and maps which constitute the fund; and C. an account of expenditures for the law library of the court of appeals at Lewisburg.

All which is respectfully submitted.

WM. H. RICHARDSON,
Secretary Commonwealth and Librarian.

December 31, 1839.

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[A.]

DR. WM. H. RICHARDSON, *Secretary of the Commonwealth and Librarian, in account with the* COMMONWEALTH, CR.

1839.								1839.			
Jan. 1	To cash, balance from last year's account,						1,049 78	Jan.	By cash, 6 months interest on debt to literary fund per No. 1,		285 00
	To cash sales of books and maps from 1st day of January to 31st Dec. 1839, viz:								Do. do. to 1st July, No. 2,		285 00
	1 sett Hening's statutes at large,					13 00			By cash, appropriation by act of March 28, 1830, to the library of the court of appeals at Lewisburg,		500 00
	7 copies Gilmer's reports at $2 50,					17 50			By cash, subscription to 7th and 8th vols. Farmers Register, No. 3,		10 00
	3 copies 1st vol. Randolph's reports, $5,					15 00			By cash, subscription to American Farmer, No. 4,		15 00
	1 copy 4th do. do.					5 00			By cash, subscription to Cultivator, No. 5,		3 75
	9 setts do. do. in 6 vols., $25,					225 00			Do. do. Turf Register, No. 6,		10 00
	19 copies 1st vol. Leigh's reports, $5 50,					104 50			Do. do. Southern Literary Messenger, No. 7,		5 00
	20 copies 2d do. do.			$6,		120 00			By cash, paid I. A. Goddin for boxes, No. 8,		15 70
	22 do. 3d do. do.			"		132 00			By cash, R. D. Sanxay for binding, &c. No. 9,		44 46
	25 do. 4th do. do.			"		150 00			By cash, Gales & Seaton for congressional debates, No. 10,		118 00
	31 do. 5th do. do.			"		186 00			By cash, T. & J. W. Johnson for law books, No. 11,		198 60
	42 do. 6th do. do.			"		252 00			By cash, Grigg & Elliott, for law books, No. 12,		4 00
	120 do. 7th do. do.			"		720 00			By cash, Smith & Palmer, for law books, No. 13,		13 50
	176 do. 8th do. do.			"		1,056 00			By cash, R. D. Sanxay for binding, &c. No. 14,		21 00
	3 do. large map, $10,					30 00			By cash, Carey & Hart for books, No. 15,		655 52
	1 do. small map,					4 00			Do. amount invoice of books imported from London, No. 16,		1,508 79
	Acts of Assembly,					26 00			By cash, contingent expenses—freight, &c. including expenses of librarian to Philadelphia,		95 32
						3,056 00			By cash, balance on hand,		11 54
	Commission on sales 10 per cent.,					305 60					
							2,750 40				
							$3,800 18				$3,800 18

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[B.]

Account of the Books and Maps *which constitute the Library Fund, December* 31, 1839.

Books and Maps which constitute the Library Fund.	On hand, Jan. 1, 1839.	Rec'd since Jan. 1, 1839	Sold during the year 1839	Donations.	In hands of agents Dec 31, 1839.	On hand at Richmond Dec. 31 1839.	Total unsold Dec. 31 1839.	Value per sett or copy.	Aggregate value Dec. 31, 1839.
Hening's statutes at large, setts of 13 vols., -	455	-	1	-	8	446	454	$ 13 00 per sett,	5,902 00
Gilmer's reports, - - - - -	350	-	7	-	8	335	343	2 50 per copy,	1,107 50
Randolph's reports, setts of 6 vols., -	257	-	9	2	8	238	246	25 00 per sett,	6,150 00
Do. surplus copies of vol. 1, -	63	-	3	-	-	60	60	5 00 per copy,	300 00
Do. do. vol. 2, -	72	-	-	-	-	72	72	"	360 00
Do. do. vol. 3, -	3	-	-	-	-	3	3	"	15 00
Do. do. vol. 4, -	16	-	1	-	-	15	15	"	75 00
Do. do. vol. 5, -	125	-	-	-	-	125	125	"	625 00
Do. do. vol. 6, -	8	-	-	-	8	-	8	6 00 "	48 00
Leigh's reports, volume 1, -	201	-	19	-	17	165	182	5 50 "	1,001 00
Do. vol. 2, -	279	-	20	-	20	239	259	6 00	1,554 00
Do. vol. 3, -	302	-	22	-	-	280	280	"	1,680 00
Do. vol. 4, -	355	-	25	-	-	330	330	"	1,980 00
Do. vol. 5, -	415	-	31	-	-	384	384	"	2,304 00
Do. vol. 6, -	469	-	42	4	-	423	423	"	2,538 00
Do. vol. 7, -	591	-	120	9	-	462	462	"	2,772 00
Do. vol. 8, -	-	700	176	5	-	519	519	"	3,114 00
Large map, - - - - -	71	-	3	-	19	49	68	10 00	680 00
Small map, - - - - -	348	-	1	31	65	251	316	4 00	1,264 00
Journal convention 1775–6, - - -	139	-	-	-	-	139	139	3 50	486 50
Setts of journals, containing									
Journal convention 1788, 1 small vol. 8vo.									
Do. senate 1788–9, do.									
Do. do. 1785 to 1790, do.									
Do. house delegates, 1776, 1 vol. 4to.	232	-	-	-	-	232	232	20 00 per sett,	4,640 00
Do. do. 1777–1780, do.									
Do. do. 1781–1786, do.									
Do. do. 1786–1790, do.									
Journals of the senate from 1830–31 to 1839 inclusive, 9 vols., the latter received during the year,	25	25	-	2	-	23	23		
Journals of the house of delegates from 1829–30 to 1839 inclusive, 10 vols., the last received during the year, - - - - -	25	25	-	1	-	24	24		
New series of statutes, by Samuel Shepherd, added last session, sets of 3 vols., - - -	-	292	-	3	-	289	289	Not priced.	
Acts of assembly, 1829–30, - - -	300	-	1	2	-	297	297	At 75 cts. p. copy,	222 75
1830–31, - - -	300	-	1	2	-	297	297	"	222 75
1831–32, - - -	300	-	1	2	-	297	297	"	222 75
1832–33, - - -	300	-	4	2	-	294	294	"	220 50
1833–34, - - -	300	-	4	2	-	294	294	"	220 50
1834–35, - - -	300	-	5	2	-	293	293	"	219 75
1835–36, - - -	300	-	5	2	-	293	293	"	219 75
1836–37, - - -	300	-	8	2	-	290	290	"	217 50
1838, - - -	300	-	8	2	-	290	290	"	217 50
1839, - - -	-	300	2	2	-	296	296	"	222 00
									40,801 75
Deduct for over estimates and expense of sales 25 per cent.,									10,200 43¾
Balance, chargeable with debt of $ 9,500 due to the literary fund,									$ 30,601 31¼

The donations were, copies of the small map to various academies; of books, to the library of congress, the court of appeals at Lewisburg, and deposited in the library as stated in the several accounts in the ledger, but are too numerous to be mentioned here in detail. The agencies remain as at the last report, &c.—despair of bringing them to a close.

WM. H. RICHARDSON, *Sec'y Com'th and Librarian.*

December 31, 1839.

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[C.]

DR. Wm. H. Richardson, *Secretary of the Commonwealth and Librarian in account with the* Commonwealth, CR.

1839.		1839.	
Jan. 1—To cash, unexpended balance of last appropriation to purchase a library for the court of appeals at Lewisburg, -	73 01	By amount of invoice of books imported from London, - - - - -	590 78
To cash, appropriation by act of March 28, 1839, - - -	500 00		
To cash, balance due the librarian, -	17 77		
	$ 590 78		$ 590 78

On motion of Mr. Robertson, *Resolved*, That the committee on the public library be instructed to bring in a bill authorizing the clerks employed in the different departments of the government to use the library under the rules and regulations provided for other public officers.

Mr. May from the committee for courts of justice presented the following bill:

No. 255. A bill authorizing an investment in lands in Missouri for the benefit of John H. Markle.

Mr. Dorman from the committee of finance presented the following bill:

No. 256. A bill imposing taxes for the support of government, which on his motion was read the first and ordered to be read a second time.

Mr. Hunter from the committee on the public armory presented a report upon the condition of the institution, and the following bill:

No. 257. A bill concerning the public armory.

On motion of Mr. Dorman, *Resolved*, That the committee of finance have leave to bring in a bill regulating the fees of notaries public.

Mr. Dorman subsequently from the same committee presented the following bill:

No. 258. A bill regulating notarial fees.

The following engrossed bills were read a third time and passed:

No. 107. A bill fixing the site for the seat of justice for the county of Pulaski; and

No. 139. A bill amending the act authorizing the county court of Monongalia county to raise money for certain purposes.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 140. An engrossed bill divorcing Benjamin Wright from his wife Mariann, was on motion of Mr. Stephenson ordered to be laid upon the table.

The following engrossed bills were also read a third time and passed:

No. 142. A bill incorporating the trustees of Richmond college.

No. 143. A bill to repeal the act, entitled "an act concerning the Hampton academy."

No. 146. A bill authorizing payment for certain alterations to the hall of the house of delegates, and to the interior of the capitol.

No. 147. A bill concerning Verlinda Perry. The title of this bill was amended on motion of Mr. May so as to read "An act for the relief of Verlinda Perry."

No. 148. A bill to authorize a separate election at Mangohick in the county of King William.

No. 210. A bill to amend the act, entitled "an act incorporating the Buchanan and Salem turnpike company."

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 144. An engrossed bill increasing the tolls of the Petersburg rail-road company, was on motion of Mr. May ordered to be laid upon the table.

No. 29. An engrossed bill to provide for the revision of the laws was read a third time:

Resolved, That the bill do pass, and the bill being amended on motion of Mr. Scott that the title be "*an act providing for the publication of a Virginia Justice.*"

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 150. A bill establishing the county of ———— of parts of the counties of Monongalia and Harrison was taken up, and the question being put upon ordering the same to be engrossed was determined in the negative.

On motion of Mr. Armstrong the vote thereupon was recorded as follows:

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AYES—Messrs. Carpenter, M'Cue, Lockridge, Hannah, Jackson of Braxton and Lewis, Meredith, Thornburg, Powell, Marshall, Howell, King, Carroll of Grayson, Allen of Hampshire, Armstrong, Wright, Fontaine, Taylor of Mathews and Middlesex, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Aleshire, Hiner, Tallman, Carroll of Preston, Venable, Roberts, Ratcliffe, Sturm, Snyder, Quillen, Conn, Griever and Goodson—34.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Wood, Cabell, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Haskins, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Whitworth, Crafford, Roane, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Guerrant, Erskine, Taylor of Halifax, Clark of Halifax, Gibson, Seymour, Lee, M'Rae, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Harrison, Banks, Caldwell, Evans, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Staples, May, Tunstall, Heath, Robertson, Leyburn, Smith of Russell, Bare, Ridley, Crutchfield, Fitzhugh, Prince, Stephenson, Walker and Stanger—70.

Resolved, That said bill be rejected.

No. 151. A bill providing for the erection of a steward's house and for furnishing a supply of water for the Virginia military institute; and

No. 152. A bill incorporating the Preston rail-road, lumber and mining company, were severally read the second time and ordered to be engrossed.

No. 153. A bill authorizing the Board of public works to appoint agents in certain cases was read a second time, amended on motion of Mr. VENABLE, and on motion of Mr. STEPHENSON the farther consideration thereof as amended was indefinitely postponed.

Resolved, That said bill be rejected.

On motion of Mr. STEPHENSON, the house adjourned until Monday morning ten o'clock.

MONDAY, MARCH 2, 1840.

A communication from the senate by their clerk:

IN SENATE, FEBRUARY 29, 1840.

The senate have agreed to the resolution for the election of a brigadier-general of the 16th brigade.

Mr. WATTS presented a petition of the securities of William B. Manning praying the passage of an act allowing them further time to pay the judgment against said Manning as late sheriff of Norfolk county, which was referred to a committee of Messrs. Watts, Etheridge, Allyn of Norfolk, Crafford and Clarke of Surry.

Mr. CLARK of Halifax presented a petition of William B. Banks and others asking for the passage of a law allowing them further time for the redemption of lands owned by Henry Banks and forfeited for the non-payment of taxes, which was referred to the committee of finance.

Mr. CHAPMAN presented a substitute intended to be submitted by the minority of the committee for the report of the majority upon the subject of the contested election from the state of New Jersey in the congress of the United States, which was laid upon the table and ordered to be printed. [Doc. No. 62.]

A motion was made by Mr. ALDERSON that the house adopt the following resolution:

Resolved by the general assembly, That the board of public works be and they are hereby instructed to cause to be surveyed as early as practicable the route for the Giles, Fayette and Kanawha turnpike road, agreeably to the act passed 1st March 1837, incorporating a joint stock company for the construction of said road.

On motion of Mr. SMITH *of Isle of Wight* the farther consideration thereof was indefinitely postponed.

On motion of Mr. LOCKRIDGE the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, Wood, Cabell, Meredith, Haskins, Kyle, Flood, Toler, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Crafford, Powell, Payne, Hale, Wade of Franklin, Baker, Guerrant, Taylor of Halifax, Clark of Halifax, M'Rae, Smith of Isle of Wight, Wright, Tayloe of King George, Ewing, Lipscomb, Banks, Taylor of Mathews and Middlesex, Wade of Montgomery and Pulaski, Massie, Yerby, May, Tunstall, Keen, Venable, Heath, Ratcliffe, Shipman, Smith of Russell, Conn, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson and Stanger—53.

NOES—Messrs. M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Scott, Alderson, Howell, King, Carroll of Grayson, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, Gregory, Worthington, Kennedy, Reynolds, Lawson, Beard, Ramey, Harrison, Caldwell, Clayton, Chapman, Myers of Morgan, Watts, Etheridge, M'Connell, Aleshire, Hiner, Tallman, Carroll of Preston, Roberts, Sturm, Robertson, Snyder, Leyburn, Dorman, Quillen, Bare and Crutchfield—48.

On motion of Mr. WOOD the following report of the committee for courts of justice was taken up and read:

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The committee for courts of justice have, according to order, had under consideration the petition of Elizabeth A. Binns of Amelia county, to them referred, praying to be divorced from her husband Edmund Binns, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The said resolution was agreed to, an *unsuccessful* motion having been made by Mr. Wood to amend the same so as to reverse the decision of the committee.

No. 177. A bill incorporating the Danville savings institution, was taken up on motion of Mr. Tunstall, read a second time and ordered to be engrossed.

No. 257. A bill concerning the public armory, was taken up on motion of Mr. Hunter, read the first and ordered to be read a second time.

Mr. Reynolds presented a petition of citizens of the county of Kanawha remonstrating against the amendments proposed to the act establishing a bank in the town of Charleston, which was referred to the committee on banks.

No. 151. An engrossed bill providing for the erection of a steward's house, and for furnishing a supply of water for the Virginia military institute, was read a third time; thereupon a clause by way of ryder thereto was submitted by Mr. Dorman, which was read the first and second times, amended on motion of Mr. May, and as amended forthwith engrossed; and the question being put upon the passage of the said bill and ryder, was determined in the affirmative.

On motion of Mr. Ratcliffe the vote thereupon was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Flood, Toler, Wilson, Crafford, Marshall, Scott, Alderson, Payne, Baker, Byrd, Smith of Gloucester, Guerrant, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Lipscomb, Caldwell, Evans, Chapman, Wade of Montgomery and Pulaski, Massie, Watts, Etheridge, M'Connell, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Carroll of Preston, Roberts, Robertson, Leyburn, Dorman, Conn, Spotts and Walker—65.

Noes—Messrs. Bayly, Cropper, Burwell of Bedford, Hannah, Meredith, Haskins, Kyle, Thornburg, Cardwell, Burwell of Clarke and Warren, Powell, Howell, Hale, Wade of Franklin, King, Carroll of Grayson, Taylor of Halifax, Clark of Halifax, Smith of Isle of Wight, Wright, Ewing, Banks, Clayton, Myers of Morgan, Venable, Heath, Ratcliffe, Sturm, Snyder, Shipman, Smith of Russell, Quillen, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince, Stephenson and Stanger—39.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The speaker laid before the house a communication from the first auditor transmitting the information called for by a resolution of the 28th ultimo, exhibiting the cost attendant upon the reassessment of the lands of the state, which on motion of Mr. Ratcliffe was laid upon the table and ordered to be printed. [Doc. No. 63.]

The house according to the joint order of the day proceeded by joint vote with the senate to the election of a brigadier-general to supply the vacancy occasioned by the resignation of general James Hoge; thereupon Mr. Wade *of Montgomery* nominated colonel *William B. Charlton;* and Mr. King nominated colonel *Augustus A. Chapman;* and the senate having been informed thereof, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Colonel Charlton—Messrs. M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Toler, Cardwell, Burwell of Clarke and Warren, Broadus, Crafford, Roane, Scott, Alderson, Howell, Hale, Wade of Franklin, Erskine, Gibson, Seymour, M'Rae, Gregory, Worthington, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Caldwell, Evans, Wade of Montgomery and Pulaski, Tunstall, Keen, Roberts, Leyburn, Dorman, Smith of Russell, Walker and Stanger—41.

For Colonel Chapman—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, Wood, Cabell, Lockridge, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Thornburg, Cox, Wilson, Powell, Baker, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Kennedy, Reynolds, Wright, Fontaine, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Myers of Morgan, Massie, Allyn of Norfolk borough, Etheridge, Yerby, M'Connell, Aleshire, Hiner, May, Tallman, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Shipman, Quillen, Conn, Bare, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince and Spotts—62.

Ordered, That Messrs. Wade of Montgomery, King, Bayly, Gregory, Tunstall, Allyn of Norfolk, Keen, Erskine, Dorman and Crutchfield be a committee to act jointly with a committee of the senate to ascertain the joint vote.

Mr. Wade *of Montgomery* from the joint committee reported the joint vote to be for colonel *Charlton* 52; for colonel *Chapman* 79; thereupon Augustus A. Chapman was declared duly elected a brigadier-general for the 19th brigade.

On motion of Mr. Clarke *of Surry* the house adjourned.

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TUESDAY, March 3, 1840.

A communication from the senate by their clerk:

IN SENATE, March 2, 1840.

The senate have passed the bills, entitled,

"An act to amend an act passed February 13th, 1809, entitled, 'an act to incorporate a company to establish a turnpike from the town of Leesburg in Loudoun county to the Little river turnpike.'"

"An act incorporating the trustees of Bethany college;" and

"An act incorporating the Mercantile library association of Richmond."

They have also passed the bills, entitled,

"An act amending and reducing into one act the several acts and parts of acts concerning the taxes on licenses to keepers of ordinaries and houses of private entertainment, to merchants, to vendue masters, to brokers, to venders of lottery tickets, to hawkers and pedlars, to exhibitors of public shows, on law process, on notarial seals, and certain other subjects;" and

"An act providing for taking the sense of the citizens of King William county upon the removal of the seat of justice for said county," with amendments in which they request the concurrence of the house of delegates.

The said amendments were severally agreed to, and the clerk was ordered to inform the senate thereof.

A motion was made by Mr. Stephenson that the house adopt the following resolution:

Resolved, That 1000 copies of the report of the second auditor on the public debt and resources of the commonwealth made at the present session be printed. [Doc. No. 62.]

A motion was made by Mr. M'Connell to amend the same by ordering 3000 copies of the said report to be printed.

And a motion was made by Mr. Bayly further to amend the same by adding at the end of the said resolution "and also the report of the majority and minority of the committee made at the last session of the general assembly on the subject of the public debt of the state;" thereupon a motion was made by Mr. Venable that the farther consideration of the said resolution and amendments be indefinitely postponed, and the question being put thereupon was determined in the negative.

On motion of Mr. Venable the vote thereupon was recorded as follows:

Ayes—Messrs. Bayly, Cropper, Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Flood, Coleman, Cox, Whitworth, Crafford, Roane, Howell, Baker, King, Guerrant, Carroll of Grayson, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Myers of Morgan, Yerby, Hiner, May, Tunstall, Venable, Heath, Ratcliffe, Sturm, Snyder, Leyburn, Shipman, Quillen, Conn, Ridley, Clarke of Surry, Prince and Stanger—50.

Noes—Messrs. Gilmer, (speaker,) Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Thornburg. Toler, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Powell, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Byrd, Smith of Gloucester, Erskine, Taylor of Halifax, Clark of Halifax, Seymour, M'Rae, Gregory, Worthington, Kennedy, Ewing, Lawson, Beard, Ramey, Caldwell, Wade of Montgomery and Pulaski, Massie, Allyn of Norfolk borough, Watts, Etheridge, M'Connell, Hiden, Aleshire, Keen, Tallman, Carroll of Preston, Robertson, Dorman, Crutchfield and Stephenson—52.

The question was then put upon the amendment proposed by Mr. Bayly, and was determinded in the negative.

A motion was made by Mr. Smith *of Isle of Wight* to amend the same by adding thereto "and that the second auditor be directed to annex to the report the annual amount of revenue derived for the last five years from the stocks in the several works of internal improvement."

This amendment with the consent of the house was accepted by Mr. Stephenson.

A motion was then made by Mr. Robertson to amend the same by adding thereto "with an explanation of the condition and prospects of the several works."

On motion of Mr. Powell the further consideration of the said resolution and amendments were postponed until the 31st of March next.

On motion of Mr. Venable, *Resolved*, That this house take a daily recess at half past two o'clock, and reassemble at four of each day, and that no new resolution or petition shall be offered or presented until after the recess.

Mr. Dorman from the committee of finance presented a report upon the revenues and expenditures and debt of the commonwealth, and an estimate of the increase of taxation proposed by the committee, which on his motion were ordered to be printed. [Doc. No. 64.]

Also a bill appropriating the public revenue, which on his motion was read the first and ordered to be read a second time.

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No. 69. An engrossed bill authorizing a ferry from the lands of Thomas and Ephraim Pollock in the county of Marshall across the Ohio river was taken up on motion of Mr. M'Connell, and read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. Watts according to order presented a bill,

No. 260. Entitled, "a bill concerning the securities of William B. Manning," which was subsequently read the first and second times and ordered to be engrossed.

Mr. May from the committee for courts of justice presented reports upon the petitions of Anabella Burr and Jane E. Robediar.

On motion of Mr. May the said committee was discharged from the consideration of the petition of the Thoroughfare gap turnpike company, and the same was laid upon the table.

No. 119. An engrossed bill concerning the water works of the city of Richmond, was read a third time; thereupon a clause by way of ryder thereto was submitted by Mr. M'Rae, which was twice read and forthwith engrossed and read a third time, and the said bill and ryder was passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 49. A bill concerning executions and new trials in cases upon warrants, was taken up on motion of Mr. Scott, and the substitute therefor proposed by him was disagreed to. The said bill was then amended on motion of Mr. May, and as amended ordered to be engrossed.

The speaker laid before the house a communication from the superintendent of public buildings stating the repairs necessary to be made to the government house, and the additional furniture required therefor, together with an estimate of the probable cost of said repairs and furniture, which on motion of Mr. Goode was ordered to be referred to a committee of Messrs. Goode, Gregory, Lee, Crutchfield and Marshall.

No. 152. An engrossed bill incorporating the Preston rail-road, lumber and mining company, was on motion of Mr. Crutchfield ordered to be laid upon the table.

No. 117. An engrossed bill incorporating the Danville savings institution, was read a third time and passed, and the clerk was ordered to communicate the same to the senate and request their concurrence.

No. 145. A bill to incorporate the society for the relief of the widows and orphans of clergymen in the diocese of Virginia, was taken up on motion of Mr. Taylor *of Lancaster and Richmond*, amended on motion of Mr. Taylor *of King George*, and as amended ordered to be engrossed.

No. 156. A bill releasing John Murdaugh from the penalties of the duelling act, was read a second time; thereupon Mr. Gregory submitted a substitute therefor; and on motion of Mr. King the further consideration of the said bill and substitute were indefinitely postponed.

On motion of Mr. King the vote thereupon was recorded as follows:

Ayes—Messrs. Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Toler, Coleman, Cox, Broadus, Howell, Hale, Wade of Franklin, Baker, King, Smith of Gloucester, Guerrant, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, Lee, Armstrong, M'Rae, Wright, Ewing, Lawson, Harrison, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Hiden, Aleshire, Hiner, May, Tallman, Carroll of Preston, Heath, Ratcliffe, Sturm, Snyder, Leyburn, Dorman, Quillen, Conn, Ridley, Crutchfield, Clarke of Surry, Prince, Stephenson and Stanger—64.

Noes—Messrs. Bayly, Wood, Hunter, Cardwell, Burwell of Clarke and Warren, Whitworth, Roane, Powell, Scott, Alderson, Smith of Isle of Wight, Gregory, Worthington, Kennedy, Reynolds, Taylor of King George, Fontaine, Lipscomb, Caldwell, Allyn of Norfolk borough, Tunstall and Robertson—22.

Resolved, That said bill be rejected.

Mr. Tunstall presented a petition of citizens of the counties of Halifax and Pittsylvania for the incorporation of a company for the improvement of Banister river from the town of Meadsville to the mills of Clark & Wooding in the county of Pittsylvania, which on motion of Mr. Venable was laid upon the table.

Mr. Tunstall from the committee on the public library presented the following bill:

No. 261. A bill to grant the use of the public library to the clerks in the public offices.

The following bills were read a second time and ordered to be engrossed:

No. 154. A bill exempting firemen in the borough of Norfolk from serving on petit juries in civil cases.

No. 155. A bill amending the laws concerning slaves, free negroes and mulattoes.

No. 157. A bill to incorporate the Tazewell White sulphur springs company.

No. 158. A bill incorporating the Sweet springs and Salt Sulphur turnpike company; and

No. 159. A bill to incorporate French's hotel company in the borough of Norfolk.

No. 160. A bill to amend the act, entitled, "an act to amend the several acts concerning slaves, free negroes and mulattoes," passed 11th March 1834, was on motion of Mr. Smith *of Isle of Wight*, committed to the committee for courts of justice.

No. 161. A bill divorcing Mary Eanes from her husband George H. Eanes; and

No. 162. A bill concerning Thomas Beazley, a free man of colour; were read a second time and ordered to be engrossed.

Mr. Cox according to order presented the following bill:

No. 262. A bill to incorporate a company to erect a toll bridge across James river at Richmond, which on his motion was read the first and ordered to be read a second time.

No. 163. A bill authorizing additional compensation for the tuition of poor children, was read a second time and ordered to be engrossed.

A motion was made that leave of absence from the service of this house be granted to Mr. Goode for the remainder of the session from Saturday next, and the question being put thereupon was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight*, the vote thereupon was recorded as follows:

AYES—Messrs. Bayly, Carpenter, Wood, Cabell, M'Cue, Stuart, Mitchell, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Thornburg, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Marshall, Scott, Alderson, Howell, Baker, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Worthington, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Beard, Ramey, Harrison, Lipscomb, Orgain, Taylor of Mathews and Middlesex, Wade of Montgomery and Pulaski, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hiden, Aleshire, Hiner, May, Tunstall, Tallman, Venable, Roberts, Heath, Sturm, Robertson, Snyder, Leyburn, Dorman, Quillen, Conn, Griever, Ridley, Crutchfield, Prince, Spotts, Stephenson, Walker and Stanger—80.

NOES—Messrs. Cropper, Lockridge, Hannah, Roane, Powell, Smith of Isle of Wight, Banks, Myers of Morgan, Ratcliffe, Shipman and Goodson—11.

On motion leave of absence was granted to Mr. Crafford from to-day until Saturday next.

Mr. CROPPER presented a petition of citizens of the county of Accomack, for the passage of a law prohibiting the ordinary retail of ardent spirits, which was on motion of Mr. MAY ordered to be laid upon the table.

On motion of Mr. ROBERTSON, *Resolved*, That the second auditor report to this house the present amount of the sinking fund, of what it consists, and how far and in what mode in his opinion the same may be made available to meet the existing engagements of this commonwealth.

Mr. ROBERTSON according to order presented the following bill:

No. 264. A bill empowering the governor to authorize the erection of an engine house on the southeast corner of the public square.

On motion of Mr. DORMAN, *Resolved*, That the committee of finance have leave to bring in a bill directing the payment of a judgment rendered on the 15th of February 1840, in the circuit superior court of law and chancery for the county of Henrico and city of Richmond in favour of William D. Wren sergeant of the city of Richmond, and as such administrator of Robert George deceased against the commonwealth.

No. 164. A bill providing for the payment of slaves condemned to transportation under the act concerning the circulation of incendiary publications, was on motion of Mr. CRUTCHFIELD ordered to be laid upon the table.

No. 165. A bill authorizing femes covert to maintain suits in their own names when deserted by their husbands was read a second time and ordered to be engrossed.

No. 166. A bill granting permission to certain slaves emancipated by Jane Robinson deceased to remain in the commonwealth was read a second time, and the question being put upon ordering the same to be engrossed was determined in the negative.

Resolved, That said bill be rejected.

No. 167. A bill authorizing the confession of judgments in the clerk's office and for other purposes, was read a second time, amended on motion of Mr. MAY, and as amended ordered to be engrossed.

On motion of Mr. M'MILLAN the house adjourned.

WEDNESDAY, MARCH 4, 1840.

A communication from the senate by their clerk:

IN SENATE, MARCH 3, 1840.

The senate have passed the bill, entitled,

"An act to incorporate the Virginia axe company," with an amendment, in which they request the concurrence of the house of delegates.

The said amendment being agreed to, the clerk was ordered to inform the senate thereof.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented a report upon the petition of citizens of the county of Roanoke for a separate election in said county; and the following bills:

No. 265. A bill to change the place of holding a separate election in the county of Botetourt; and

No. 266. A bill to authorize a separate election at the tavern house of John Mastin in the county of Alleghany.

The following engrossed bills were read a third time and passed:

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No. 49. A bill concerning executions and new trials in cases upon warrants.

No. 145. A bill to incorporate the society for the relief of the widows and orphans of clergymen in *the diocese of* Virginia. The title was amended on motion of Mr. MAY by striking out the words "*the diocese of.*"

No. 154. A bill exempting firemen in the borough of Norfolk from serving on petit juries in civil cases.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 124. An engrossed bill directing the treasurer of the commonwealth to give the state's guarantee to a certain loan authorized to be negotiated by the Richmond, Fredericksburg and Potomac rail-road company, was taken up on motion of Mr. STEPHENSON; thereupon a clause by way of ryder thereto was submitted by him, which was twice read and forthwith engrossed; and the question being put upon the passage of the said bill and ryder, was determined in the negative.

On motion of Mr. RATCLIFFE the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Stuart, Lockridge, Myers of Berkeley, Hunter, M'Millan, Toler, Corbin, Alderson, Payne, Byrd, Erskine, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Smith of Isle of Wight, Worthington, Kennedy, Reynolds, Fontaine, Lawson, Beard, Ramey, Harrison, Caldwell, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Yerby, M'Connell, May, Tunstall, Keen, Tallman, Leyburn, Dorman, Crutchfield, Spotts, Stephenson and Goodson—42.

NOES—Messrs. Carpenter, Wood, Cabell, M'Cue, Burwell of Bedford, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Roane, Powell, Marshall, Scott, Howell, Hale, Wade of Franklin, King, Smith of Gloucester, Guerrant, Taylor of Halifax, Armstrong, Gregory, Wright, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Allyn of Norfolk borough, Watts, Etheridge, Aleshire, Hiner, Michaux, Venable, Roberts, Heath, Ratcliffe, Sturm, Snyder, Quillen, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince and Stanger—58.

Resolved, That said bill be rejected.

On motion of Mr. RIDLEY the bills No. 256, entitled "a bill imposing taxes for the support of government;" and

No. 259. A bill appropriating the public revenue, were taken up and made the order of the day for tomorrow.

No. 97. A bill concerning lotteries, with the substitute thereto proposed by Mr. MAY, was taken up on motion of Mr. M'CONNELL, and the substitute was read as follows:

Strike out from the word "assembly," in the 1st section, 1st line, to the end of the bill, and insert:

"That hereafter it shall not be lawful to sell, or offer for sale, a ticket or share of a ticket, or any promise or obligation to pay the prize or part of the prize which may be drawn by any ticket, in any lottery not authorized to be drawn by the laws of this commonwealth. And if any person shall offend herein, he shall be guilty of a misdemeanour, and shall, on conviction thereof, be punished in the manner prescribed by the several acts to prohibit the sale of lottery tickets; and especially the act, entitled 'an act to prevent the sale of foreign lottery tickets within this commonwealth,' passed the 11th February 1825; and the fourth and sixth sections of the act, entitled 'an act to amend the revenue laws,' passed the 28th February 1829; which are hereby reenacted and declared to be in full force and effect: *Provided*, that nothing herein contained shall prohibit any person having a license to sell foreign lottery tickets, from making sale thereof, during the period stated in such license.

"2. *And be it further enacted*, That hereafter no lottery shall be drawn in this state, under any act authorizing the same, or any contract in pursuance thereof, unless the manager thereof, or the contractor, his agent or assignee, shall previously to the sale of any ticket therein, make a full and detailed plan or scheme of such lottery, shewing the number of prizes, the amount of each prize, and the aggregate amount of them all—the number of blanks—and the number of tickets, with the price of each ticket; and also that such number at the price stated, shall not produce an amount exceeding the aggregate amount of the said prizes—and shall moreover make affidavit before some justice of the peace, that the same exhibits a just and true plan or scheme of the lottery proposed to be drawn by him, or the particular class thereof; and also that no more tickets than the number therein stated, shall be sold or issued by him, or by his authority or sanction; and shall file such scheme and affidavit with the clerk of the county or corporation in which it is intended to offer such lottery tickets for sale; and if it be intended to offer the same for sale in different places, a copy thereof shall be filed with the clerk of each county or corporation, in which the said tickets may be so offered.

"3. *And be it further enacted*, That if any person shall receive or demand for any lottery ticket, in any such lottery, previously to the drawing thereof, any greater sum or price than the price mentioned in such scheme, or shall sell or offer to sell any ticket in any lottery, of which the scheme made or verified as aforesaid, shall not have been made and filed in the manner herein before directed, he shall be guilty of a misdemeanour, and upon conviction thereof, shall be punished in the same manner as persons convicted of selling foreign lottery tickets contrary to law; and shall moreover forfeit all right to draw any further part, class or scheme of any lottery, by virtue of any act authorizing the same, or any contract or agreement founded thereupon.

"4. *And be it further enacted*, That a sum not exceeding twenty per cent. on the amount, shall and may be

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deducted from every prize drawn in any lottery which may hereafter be drawn in this state; of which one half shall and may be retained by the manager, contractor, his assigns or agents, in full satisfaction of all expenses attending the sale of tickets, and the drawing of the lottery; and the remaining half shall be considered a part of the amount allowed to be raised by virtue of such lottery.

"5. *And be it further enacted*, That if any one or more classes or portions of any lottery has been drawn under any statute authorizing the same, it shall not be lawful for any person whatever to draw any further class or portion of such lottery, or to issue or sell any ticket therein, until the commissioners who were empowered to draw the same, or the manager, contractor or agent who may have been empowered to do so, shall furnish to the executive a statement upon oath shewing the amount which has been raised by such lottery for the purposes authorized by law, and the amount which has been raised to defray the expenses of drawing the same; and also the number of classes thereof which may have been drawn; and if any person, without having furnished such statement, shall draw any further class, or portion of such lottery, or shall issue any ticket therein, he shall be guilty of a misdemeanour, and upon conviction thereof shall forfeit and pay the sum of one thousand dollars; and moreover shall forfeit all rights and powers conferred by the act authorizing such lottery."

And the question being put upon adopting the said substitute was determined in the affirmative.

On motion of Mr. MAY the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cropper, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Roane, Powell, Alderson, Howell, Baker, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Reynolds, Wright, Tayloe of King George, Lawson, Orgain, Banks, Taylor of Mathews and Middlesex, Myers of Morgan, Watts, Etheridge, Yerby, Fitzgerald, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Tallman, Roberts, Heath, Sturm, Snyder, Dorman, Shipman, Conn, Griever, Ridley, Crutchfield, Clarke of Surry, Goodson and Stanger—76.

NOES—Messrs. Marshall, Scott, Seymour, Gregory, Worthington, Fontaine, Ewing, Beard, Ramey, Harrison, Caldwell, Clayton, Evans, Allyn of Norfolk borough, and Ratcliffe—15.

A motion was then made by Mr. GREGORY that the farther consideration of the said bill and substitute be indefinitely postponed, and the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Marshall, Scott, Carroll of Grayson, Seymour, Gregory, Worthington, Ewing, Beard, Ramey, Harrison, Clayton, Evans, and Allyn of Norfolk borough—13.

NOES—Messrs. Gilmer, (speaker,) Cropper, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Thornburg, Toler, Coleman, Cardwell, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Roane, Powell, Alderson, Howell, Baker, Byrd, King, Smith of Gloucester, Guerrant, Butts, Taylor of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Reynolds, Wright, Tayloe of King George, Fontaine, Lawson, Orgain, Banks, Caldwell, Myers of Morgan, Watts, Etheridge, Yerby, M'Connell, Hiden, Aleshire, Hiner, May, Tunstall, Tallman, Roberts, Heath, Ratcliffe, Sturm, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Conn, Griever, Ridley, Crutchfield, Clarke of Surry, Prince, Spotts, Goodson and Stanger—80.

The said bill was then amended on motions of Mr. SMITH *of Isle of Wight*, and Mr. MAY.

A motion was then made by Mr. M'CONNELL further to amend the same by adding to the said bill the following section:

"*Be it further enacted*, That the time limited in the first and second provisions of the first section of the act, entitled, 'an act to suppress lotteries in this commonwealth,' passed February 20th, 1834, so far as the same might operate on any contracts entered into previous to the 1st January 1840, by virtue of any act authorizing the drawing of a lottery, shall be and the same is hereby extended to the 1st day of June 1847."

And the question being put upon adopting the said amendment was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Cabell, Burwell of Bedford, Mitchell, Myers of Berkeley, Burwell of Clarke and Warren, Whitworth, Marshall, Alderson, Payne, Hale, Byrd, Guerrant, Carroll of Grayson, Erskine, Allen of Hampshire, Seymour, M'Rae, Gregory, Reynolds, Tayloe of King George, Lawson, Ramey, Harrison, Caldwell, Clayton, Evans, Myers of Morgan, Allyn of Norfolk borough, Watts, M'Connell, May, Tunstall, Tallman, Carroll of Preston, Roberts, Ratcliffe, Sturm and Stephenson—38.

NOES—Messrs. Gilmer, (speaker,) Cropper, Carpenter, Wood, M'Cue, Lockridge, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Haskins, Kyle, Flood, Thornburg, Coleman, Cardwell, Cox, Broadus, Wilson, Crafford, Roane, Powell, Howell, Baker, King, Smith of Gloucester, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Lee, Armstrong, Smith of Isle of Wight, Wright, Beard, Orgain, Banks, Wade of Mont-

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gomery and Pulaski, Yerby, Aleshire, Hiner, Venable, Heath, Snyder, Dorman, Shipman, Smith of Russell, Conn, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Spotts, Goodson and Stanger—56.

The said bill as amended was then ordered to be engrossed and read a third time.

The following report of the committee of claims was read and agreed to:

The committee of claims have according to order had under consideration the petition of John Capron of the borough of Norfolk, to them referred, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the petition of John Capron, praying payment to William Nelson for a horse lost by him in the year eighteen hundred and twenty-four, be rejected.

The following report of the committee of propositions and grievances was read:

The committee of propositions and grievances have according to order had under consideration the petition of sundry citizens of the town of Greenville and of the southeastern part of the county of Augusta, to them referred, praying that a separate election may be established in the said town of Greenville: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petition *be rejected for insufficiency of notice.*

A motion was made by Mr. M'Cue to amend the same by striking out all after the word *petition*, and inserting in lieu thereof the words "is reasonable," and on motion of Mr. Tunstall the said report and amendment was laid upon the table.

The following reports of the committee of roads and internal navigation were read and agreed to:

The committee of roads, &c. have had under consideration the memorial of a convention held at Giles courthouse in October last, praying an appropriation for the construction of a road on state account from the Kentucky line up the Louisa fork of Sandy river, to intersect the Price's turnpike and Cumberland gap road near Tazewell courthouse, and have come to the following resolution thereupon:

Resolved as the opinion of said committee, That in the present state of the finances of the commonwealth, it is inexpedient to make said appropriation.

The committee of roads and internal navigation have according to order enquired into "the expediency of requiring the president and directors of turnpike companies obtaining the leave of the county courts before they appropriate the public roads established by law to the uses of such companies:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient to require said companies to obtain such leave.

The following report was taken up and read:

TREASURY OFFICE, February 12th, 1840.

The joint committee of the senate and house of delegates, appointed to examine the treasurer's accounts, have according to order performed the duty assigned them, and beg leave to submit the following report to their respective houses.

The annual report of the treasurer for the last fiscal year, terminating with the 30th September 1839, has already put the general assembly in possession of the state of the finances of the commonwealth at that time, and exhibits the true balance on hand on the morning of the first of October 1839, the commencement of the present fiscal year.

This statement is confirmed by information derived from the presidents of the Bank of Virginia and Farmers Bank of Virginia.

The joint committee have examined every voucher, both of receipt and disbursement during the year mentioned, compared them with the entries on the books of the treasurer, and find them to be regular, and to correspond with great exactness. The additions were made and balances found correct. Indeed it is but justice to remark that the books and accounts of the treasurer, manifest great accuracy as well as great simplicity and method of arrangement.

The joint committee have thought it their duty to ascertain how much money has been paid into the treasury, and how much disbursed, from the 30th September 1839, up to the morning of the 3d of February 1840, and whether or not the proper amount was in bank to the credit of the treasurer of the commonwealth on that day. To enable the committee to ascertain that fact, their chairmen addressed joint letters to the auditor of public accounts, and the second auditor, requesting to be furnished with statements shewing the amount of receipts and disbursements, from the 30th of September 1839, to the morning of the 3d of February 1840, and the balances on hand at that time. (See documents accompanying this report, Nos. 1 and 2.) From the statements furnished by those officers, the committee make the following: (See documents accompanying this report, Nos. 3 and 4.)

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	Commonwealth.	Literary Fund.	Board Public Works.	N. W. Turnpike Road.	James River Company.	Com'rs S. Fund.	Total.
Balances in the treasury 1st October 1839, - - -	17,440 53	24,371 18	34,587 00	68 46	3,856 99	22	
Received in October, November, December, January and on the 1st February 1840, - -	468,139 28	36,166 90	308,418 91	7,934 00	28 10		
	485,579 81	60,538 08	343,005 91	8,002 46	3,885 09	22	
Disbursed in October, November, December, January and 1st February inclusive, - -	307,774 92	53,558 56	302,076 85	7,995 37	128 02		
Balances 3d February 1840, -	177,804 89	6,979 52	40,929 06	7 09	3,757 07	22	229,477 85

RECAPITULATION.

To the credit of the Commonwealth, - -	177,804 89	
Literary fund, - -	6,979 52	
Board of public works, - -	40,929 06	
Northwestern turnpike road, -	7 09	
James river company, - -	3,757 07	
Commissioners sinking fund, -	22	
	$229,477 85	

It appears from the foregoing statements, that there should have been in the treasury on the morning of the 3d February 1840, the sum of $ 229,477 85 cents.

For the purpose of ascertaining that fact, the chairmen of the committee addressed joint letters to the presidents of the Bank of Virginia and the Farmers Bank of Virginia, (see documents accompanying this report Nos. 5 and 6,) requesting to be informed how much money was on deposit to the credit of the treasurer of the commonwealth on the morning of the 1st October 1839 and on the morning of the 3d February 1840. The answers to these letters (see documents Nos. 7 and 8) furnish the following information:

The amount on deposit to the credit of the treasurer of the commonwealth in the Bank of Virginia on the morning of 3d February 1840, was - - - - - -		116,858 52
In the Farmers Bank at the same time, - - - - - -		113,640 30
Total amount in both banks,		230,498 82
From which deduct the amounts called for by the statements furnished by the first and second auditors, viz:		
First auditor, - - - - -	177,804 89	
Second auditor, - - - - -	51,672 96	
		229,477 85
Leaving an excess in the two banks of - -		$ 1,020 97

which is sufficient to pay the checks drawn by the treasurer on warrants issued by the auditors previous to and not presented at the banks for payment at the time to which this statement has reference.

In conclusion the joint committee remark that it satisfactorily appears, on a full and minute examination of the treasurer's accounts, that all the money which has come to his hands is duly accounted for according to law, which they report accordingly.

And the committee further remark, that in consideration of the large accumulation of business imposed upon the first clerk in the office of the treasurer, they deem it an act of justice to that officer to recommend to the general assembly a reasonable increase of his salary.

All of which is respectfully submitted.

CHS. HUNTON, *C. C. S.*
ED. T. TAYLOE, *C. C. H. D.*

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(No. 1.)

COMMITTEE ROOM OF THE TREASURY OFFICE,
FEBRUARY, 4, 1840.

SIR—We respectfully request that you will furnish us at the treasury office with a statement exhibiting how much money on all accounts has been paid into and out of the treasury between the 30th day of September last and the morning of the 3d instant.

Respectfully yours,
CHS. HUNTON, *C. C. S.*
ED. T. TAYLOE, *C. C. H.*

To the Auditor of Public Accounts.

(No. 2.)

COMMITTEE ROOM OF THE TREASURY OFFICE,
FEBRUARY 4, 1840.

SIR—We respectfully request that you will furnish us at the treasury office with a statement exhibiting how much money on all accounts has been paid into and out of the treasury through your office between the 30th day of September last and the morning of the 3d instant.

Respectfully yours,
CHS. HUNTON, *C. C. S.*
ED. T. TAYLOE, *C. C. H.*

To JAMES BROWN, Jr. *Second Auditor.*

(No. 3.)

AUDITOR'S OFFICE, FEBRUARY 6, 1840.

GENTLEMEN—I enclose you the statement requested in your communication of the 4th instant, exhibiting the condition of the treasury on the morning of the 3d instant.

I am very respectfully yours, &c.
JAS. E. HEATH, *Auditor of Public Accounts.*

CHARLES HUNTON *and* EDWARD T. TAYLOE, Esqs.
Chairmen, &c. &c. Treasury Office.

Statement exhibiting how much money on all accounts has been paid into and out of the Treasury through this Office between the 30th September last and the morning of the 3d February 1840.

Balance in the treasury on the 1st October 1839, per last annual report,			17,440 53
Amount paid into the treasury in October 1839,			41,372 04
Do.	in November 1839,		113,987 06
Do.	in December 1839,		278,412 09
Do.	in January 1840,		34,365 73
Do.	on the 1st February 1840,		2 36
			485,579 81
Amount of warrants issued from the 1st October 1839 to the 1st February 1840, both days inclusive,		308,773 52	
Deduct sundry warrants issued within the last mentioned period, and not paid at the treasury, as per list annexed,		998 60	
			307,774 92
Balance on the 3d February 1840,			$ 177,804 89

JOSEPH JACKSON, *Clerk of Accounts.*

Auditor's Office, 6th February 1840.

No. 1379,	142 54	No. 1603,	30 00
1408,	196 05	1626,	51 00
1409,	50 00	1627,	15 90
1410,	5 18	1872,	15 00
1411,	94 14	1933,	35 00
1416,	120 00	1934,	10 50
1600,	35 29	1972,	75 00
1601,	20 00	2008,	70 00
1602,	33 00		$ 998 60

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(No. 4.)

STATEMENT *of money which has been paid into and out of the Treasury through the Second Auditor's office, on all accounts, between the 30th September* 1839, *and the morning of the 3d February* 1840.

	Literary Fund.	Board of Public Works.	No. Western turnpike road.	James river company.	Sinking Fund.	TOTAL.
Balances in the treasury 1st October 1839, -	24,371 18	34,587 00	68 46	3,856 99	22	62,883 85
Receipts since to 2d Feb. 1840 inclusive, -	36,166 90	308,418 91	7,934 00	28 10	00	352,547 91
	60,538 08	343,005 91	8,002 46	3,885 09	22	415,431 76
Warrants since to 2d Feb. 1840 inclusive, -	53,558 56	302,076 85	7,995 37	128 02	00	363,758 80
Balances on morning of 3d Feb. 1840, -	6,979 52	40,929 06	7 09	3,757 07	22	$ 51,672 96

SECOND AUDITOR'S OFFICE, 4th February 1840.

GENTLEMEN,—Above I hand you the statement requested in your note of this date.

Very respectfully, your most obedient servant,

J. BROWN, Jr., *Second Auditor.*

CHARLES HUNTON, Esq., *and* ED. T. TAYLOR, Esq., *Treasury Office.*

(No. 5.)

COMMITTEE ROOM OF THE TREASURY OFFICE,
FEBRUARY 4, 1840.

SIR,—The undersigned chairmen of the joint committee to examine the treasurer's accounts, request that you will furnish them with a statement of the amount of money in the bank over which you preside, to the credit of the commonwealth, on the morning of the 1st day of October last, and on the morning of the 3d inst.

Respectfully yours,

CHS. HUNTON, *C. C. S.*
ED. T. TAYLOE, *C. C. H.*

To JOHN BROCKENBROUGH, Esq.,
President of the Bank of Virginia.

(No. 6.)

COMMITTEE ROOM OF THE TREASURY OFFICE,
FEBRUARY 4, 1840.

SIR,—The undersigned, chairmen of the joint committee to examine the treasurer's accounts, request that you will furnish them with a statement of the amount of money in the bank over which you preside, to the credit of the commonwealth, on the morning of the 1st October last, and on the morning of the 4th inst.

Respectfully yours,

CHS. HUNTON, *C. C. S.*
ED. T. TAYLOE, *C. C. H.*

To WILLIAM H. MACFARLAND, Esq.,
President of the Farmers Bank of Virginia.

(No. 7.)

BANK OF VIRGINIA, FEBRUARY 4, 1840.

GENTLEMEN,—The enclosed paper from the first accomptant of this bank furnishes the information required by your letter of this date.

I am, with great respect, gentlemen, your most ob't,

JOHN BROCKENBROUGH, *Pres't.*

To CHARLES HUNTON, *and* EDWARD T. TAYLOR, } Esquires.

Balance to the credit of the commonwealth in the Bank of Virginia, on the morning of the 1st October 1839, - - - - - - $ 41,998 47

Balance to the credit of the commonwealth in the Bank of Virginia, on the morning of 3rd February 1840, - - - - - - 116,858 52

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(No. 8.)

FARMERS BANK OF VIRGINIA, FEBRUARY 4, 1840.

GENTLEMEN,—In reply to your communication of this day, I have the honour to state that there was to the credit of Lawson Burfoot, treasurer of the commonwealth of Virginia, in this bank, on the morning of the 1st of October last, thirty-nine thousand, two hundred and fifty-two dollars and six cents, and on the morning of the 3rd instant, one hundred and thirteen thousand, six hundred and forty dollars and thirty cents.

I am, with respect, your ob't serv't,

WM. H. MACFARLAND, *Pres't.*

To CHS. HUNTON, Esq., *C. C. S.*
ED. T. TAYLOE, Esq., *C. C. H.*

On motion of Mr. ARMSTRONG the said report was laid upon the table.

The following report of the committee of schools and colleges was read and agreed to:

The committee of schools and colleges have according to order enquired into "the propriety of releasing all the right and interest of the commonwealth in any vacant and ungranted lands, to the respective counties in which the same are situated, for the purposes of education, and of devoting the same exclusively to that object:" Whereupon,

Resolved as the opinion of this committee, That it is not expedient to release the commonwealth's right to such lands for said purposes.

A report of the committee of propositions and grievances upon the petition of Samuel Freeman, was on motion of Mr. DORMAN laid upon the table.

The following reports of the committee of finance were read and agreed to:

The committee of finance have according to order had under consideration the petition of sundry citizens of the county of Preston, in behalf of Ignatius Gahring, to them referred, representing that said Gahring is a native of Germany, and having served a laborious apprenticeship to the art of making brass clocks, has selected the county of Preston as his place of settlement—and being about to open a shop for finishing and selling his brass clocks, was informed that before he could sell, he must obtain a license and pay a tax of one hundred dollars. The petitioners believing that the clocks of said Gahring are partly manufactured within the commonwealth, of brass materials, and of superior quality, constituting an article of duration and utility—they ask that the tax on licenses for selling brass clocks be lessened—and that the same be put upon the footing of equality with other licenses: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petition *be rejected*, inasmuch as the fourth section of the act, entitled "an act imposing taxes for the support of government," passed April 11th, 1839, authorizes the commissioner of the revenue to ascertain whether clocks are *bona fide* of the manufacture of this state.

The committee of finance have according to order had under consideration the petition of sundry citizens to them referred, soliciting the attention of the general assembly to that which they consider the pernicious tendency of the laws by which the sale of intoxicating drinks are legalized and licensed—and praying the repeal of all laws licensing the sale of ardent spirits, and in their stead to provide against the further sale and distribution of the same: Whereupon,

Resolved as the opinion of this committee, That the prayer of the said petition *be rejected.*

The speaker laid before the house a communication from the second auditor, in answer to the resolution submitted on yesterday by Mr. ROBERTSON, reporting the amount of the sinking fund, and how it is invested, which on motion of Mr. BYRD was laid upon the table and ordered to be printed. [Doc. No. 65.]

The following bills were read the first and ordered to be read a second time, viz:

No. 217. A bill concerning Edward H. Womwell.

No. 218. A bill concerning Thomas C. Burwell and Octavius A. Harvey.

No. 219. A bill concerning Benjamin Sheppard administrator of John P. Shields deceased.

No. 220. A bill to change the place of holding a separate election in the county of Nansemond.

No. 221. A bill to revive and amend the act, entitled "an act prescribing the mode of electing trustees for the town of Covington, in the county of Alleghany."

No. 222. A bill to establish the town of Dranesville, in the county of Fairfax.

No. 223. A bill making further provision for opening a certain road in the counties of Bath and Alleghany.

No. 224. A bill incorporating the Salem and Bent mountain turnpike company.

No. 225. A bill to amend the act, entitled "an act to incorporate the Hanover and Henrico exploring and mining company."

No. 226. A bill to amend the several acts concerning the Portsmouth and Roanoke rail-road company; and

No. 227. A bill incorporating the Newmarket and Buffalo springs turnpike company.

On motion of Mr. BROADUS the house adjourned until to-morrow morning ten o'clock.

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THURSDAY, March 5, 1840.

A communication from the senate by their clerk:

IN SENATE, March 4, 1840.

The senate have passed the bills, entitled,

"An act to repeal the act, entitled 'an act concerning the Hampton academy.'"

"An act to amend the act, entitled 'an act incorporating the Buchanan and Salem turnpike company.'"

"An act to amend the act, entitled 'an act prescribing certain general regulations for the incorporation of turnpike companies.'"

"An act incorporating the trustees of Richmond college."

"An act incorporating the Dunlap's creek turnpike company;" and

"An act fixing the site for the seat of justice for the county of Pulaski."

On motion of Mr. May the committee for courts of justice was discharged from the consideration of the business now before them, and the clerk to the said committee was discharged from further attendance.

Mr. Dorman from the committee of finance presented the following bill:

No. 267. A bill to authorize the auditor of public accounts to issue a warrant in favour of William D. Wren, administrator of Robert George deceased, in pursuance of a judgment of the circuit superior court of law and chancery for the county of Henrico and city of Richmond for revolutionary services.

No. 123. A bill to amend an act, entitled "an act for the better organization of the militia," was taken up on motion of Mr. Watts and further amended on his motion, and as amended ordered to be engrossed.

The following engrossed bills were severally read a third time and passed:

No. 155. A bill amending the laws concerning slaves, free negroes and mulattoes.

No. 157. A bill to incorporate the Tazewell White Sulphur springs company.

No. 158. A bill to incorporate the Sweet springs and Salt Sulphur turnpike company.

No. 159. A bill to incorporate French's hotel company in the borough of Norfolk.

No. 161. A bill divorcing Mary Eanes from her husband George H. Eanes.

No. 163. A bill authorizing additional compensation for the tuition of poor children.

No. 165. A bill authorizing *femes covert* to maintain suits in their own names when deserted by their husbands.

No. 166. A bill authorizing the confession of judgments in the clerk's office, and for other purposes.

No. 260. A bill concerning the securities of William B. Manning.

No. 162. An engrossed bill concerning Thomas Beasley a free man of colour was read a third time, and the question being put upon its passage was determined in the affirmative.

On motion of Mr. Yerby the vote thereupon was recorded as follows:

Ayes—Messrs. Carpenter, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Toler, Cox, Burwell of Clarke and Warren, Wilson, Powell, Marshall, Scott, Alderson, Howell, Baker, Byrd, King, Guerrant, Carroll of Grayson, Erskine, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Gregory, Worthington, Reynolds, Wright, Tayloe of King George, Lawson, Banks, Caldwell, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Watts, Fitzgerald, M'Connell, Hiden, Hiner, May, Tallman, Michaux, Carroll of Preston, Roberts, Sturm, Robertson, Snyder, Leyburn, Dorman, Quillen, Bare, Griever, Spotts, Stephenson, Goodson and Stanger—67.

Noes—Messrs. Gilmer, (speaker,) Cropper, Southall, Meredith, Haskins, Kyle, Flood, Corbin, Coleman, Broadus, Whitworth, Roane, Payne, Hale, Butts, Clark of Halifax, Smith of Isle of Wight, Kennedy, Ewing, Beard, Ramey, Harrison, Orgain, Taylor of Mathews and Middlesex, Goode, Yerby, Aleshire, Venable, Heath, Ratcliffe, Shipman, Ridley, Clarke of Surry, Prince and Walker—35.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 168. A bill for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands, was read a second time and ordered to be engrossed.

No. 256. A bill imposing taxes for the support of government, was read a second time, and amended on motion of Mr. Dorman.

A motion was then made by Mr. Crutchfield that the said bill be committed to the committee of finance with instructions to report a bill providing the same rates of taxation with the rates provided in the act of 1839; *also a bill providing for a temporary loan to meet the deficiency in the treasury.*

A motion was made by Mr. Goode to amend the said motion by striking out the words "also a bill providing for a temporary loan to meet the deficiency in the treasury," and inserting in lieu thereof the following, "and providing that the treasurer be authorized and required to make sale of any bank stock belonging to the state, which may be necessary to pay the interest on the public debt contracted for the purposes of internal improvement: *Provided*, That the amount of stock sold shall not exceed the deficiency in the treasury or the difference between the receipts and disbursements of the treasury for the current fiscal year."

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On motion of Mr. GREGORY the said amendment was amended by adding thereto, "*and provided further that no bank stock shall be sold unless it will bring its par value.*"

On motion of Mr. LEE the said amendment was further amended by adding thereto, "and that the said committee be also instructed to report a bill to authorize a loan for the amount of said deficit in the event said stock cannot be sold at par, or for such part thereof as cannot be raised by such sale at par."

The question then recurred upon adopting the said amendment proposed by Mr. GOODE, as amended, and was determined in the negative.

On motion of Mr. GREGORY the vote thereupon was recorded as follows:

AYES—Messrs. Carpenter, Wood, Cabell, Hannah, Haskins, Flood, Thornburg, Cox, Burwell of Clarke and Warren, Wilson, Whitworth, Howell, Byrd, King, Guerrant, Carroll of Grayson, Erskine, Taylor of Halifax, Allen of Hampshire, White, Lee, Armstrong, Gregory, Reynolds, Wright, Tayloe of King George, Fontaine, Banks, Taylor of Mathews and Middlesex, Goode, Clayton, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Fitzgerald, Aleshire, Hiner, Michaux, Carroll of Preston, Ratcliffe, Sturm, Snyder, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Spotts, Goodson and Stanger—61.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Toler, Fox, Corbin, Cardwell, Broadus, Crafford, Roane, Powell, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Baker, Smith of Gloucester, Butts, Clark of Halifax, Gibson, M'Rae, Smith of Isle of Wight, Worthington, Kennedy, Ewing, Lawson, Beard, Ramey, Harrison, Orgain, Caldwell, Evans, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Hiden, May, Tunstall, Keen, Tallman, Venable, Roberts, Heath, Robertson, Leyburn, Dorman, Ridley, Crutchfield, Clarke of Surry, Prince, Stephenson and Walker—68.

A motion was then made by Mr. SMITH *of Isle of Wight* to amend the proposition made by Mr. CRUTCHFIELD by striking therefrom the words "also a bill providing for a temporary loan to meet the deficiency in the treasury," and the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, Wood, Jackson of Braxton and Lewis, Meredith, Haskins, Cox, Powell, Howell, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Smith of Isle of Wight, Gregory, Wright, Fontaine, Orgain, Banks, Taylor of Mathews and Middlesex, Goode, Myers of Morgan, Allyn of Norfolk borough, Fitzgerald, Hiden, May, Michaux, Venable, Heath, Ratcliffe, Bare, Ridley, Fitzhugh, Clarke of Surry, and Prince—40.

NOES—Messrs. Southall, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, King, Smith of Gloucester, Erskine, Gibson, Lee, Armstrong, M'Rae, Worthington, Kennedy, Reynolds, Tayloe of King George, Ewing, Lawson, Beard, Ramey, Harrison, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Watts, Etheridge, Yerby, M'Connell, Aleshire, Hiner, Tunstall, Keen, Tallman, Carroll of Preston, Roberts, Sturm, Robertson, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Quillen, Conn, Griever, Crutchfield, Spotts, Stephenson, Goodson, Walker and Stanger—79.

The question was then put upon adopting the motion submitted by Mr. CRUTCHFIELD and was determined in the affirmative.

On motion of Mr. CRUTCHFIELD the vote thereupon was recorded as follows:

AYES—Messrs. Southall, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, M'Millan, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Alderson, Payne, Howell, Hale, Wade of Franklin, Baker, Byrd, King, Erskine, White, Lee, Armstrong, M'Rae, Kennedy, Reynolds, Tayloe of King George, Ewing, Lawson, Beard, Ramey, Harrison, Caldwell, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Yerby, M'Connell, Aleshire, Hiner, Tunstall, Keen, Tallman, Carroll of Preston, Sturm, Robertson, Snyder, Leyburn, Smith of Russell, Quillen, Conn, Griever, Crutchfield, Spotts, Stephenson, Goodson, Walker and Stanger—73.

NOES—Messrs. Gilmer, (speaker,) Bayly, Cropper, Carpenter, Wood, Jackson of Braxton and Lewis, Meredith, Haskins, Cox, Powell, Marshall, Scott, Smith of Gloucester, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Smith of Isle of Wight, Gregory, Worthington, Wright, Fontaine, Orgain, Banks, Taylor of Mathews and Middlesex, Allyn of Norfolk borough, Watts, Etheridge, Fitzgerald, Hiden, May, Michaux, Venable, Roberts, Heath, Ratcliffe, Dorman, Shipman, Bare, Ridley, Fitzhugh, Clarke of Surry, and Prince—46.

Mr. VENABLE from the committee on banks presented the following bill:

No. 268. A bill to increase the number of directors at the branch banks of the Bank of the Valley in Virginia.

Mr. GOODE according to order presented the following bill:

No. 269. A bill concerning the government house.

On motion of Mr. RATCLIFFE the house adjourned.

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FRIDAY, MARCH 6, 1840.

A communication from the senate by their clerk:

IN SENATE, MARCH 5, 1840.

The senate have passed the bills, entitled,

"An act amending the act authorizing the county court of Monongalia county to raise money for certain purposes."

"An act authorizing a ferry from the lands of Thomas and Ephraim Pollock in the county of Marshall across the Ohio river."

"An act for the relief of Verlinda Perry."

"An act to amend the several acts concerning ferries;" and

"An act incorporating the Danville savings institution."

They have also passed the bills, entitled,

"An act concerning Squire Sayre;" and

"An act to authorize a separate election at Mangohick in the county of King William," with amendments in which they request the concurrence of the house of delegates.

The said amendments were severally agreed to, and the clerk was ordered to inform the senate thereof.

Mr. CARDWELL from the committee on enrolled bills reported that the said committee had examined sundry other bills and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination.

Mr. FITZGERALD from the committee appointed to examine the first auditor's office presented a report.

Mr. SMITH *of Isle of Wight* from the committee of propositions and grievances presented reports upon the petition of citizens of Greenbrier county for a separate election at the White Sulphur springs; and upon the petition of citizens of Campbell, Bedford, Pittsylvania and Franklin, for a new county; and the following bill:

No. 270. A bill concerning the taking of oysters in the counties of Mathews and Middlesex.

The following engrossed bills were severally read a third time and passed:

No. 97. A bill concerning lotteries.

No. 123. A bill to amend an act, entitled, "an act for the better organization of the militia;" and

No. 168. A bill for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

On motion of Mr. BAYLY the following report was taken up and read:

The committee of claims have according to order had under consideration the petition of Richard S. Rew, to them referred, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the petition of Richard S. Rew, stating that a certain negro man was emancipated by his master in the county of Accomack in the year 1819, and in the year 1838 was directed by a judgment of the circuit superior court of law and chancery held for said county in October of that year, to be sold for having remained in this commonwealth more than twelve months after his right to freedom had accrued, and was accordingly sold by a deputy sheriff of that county on the first day of January 1839, when he, the said Rew, became the purchaser for the sum of five hundred and thirty dollars—that the said negro shortly afterwards made his escape, and is now in the state of New York, and praying that the legislature will pass an act directing the sum paid by him as aforesaid to be refunded, be rejected.

A motion was made by Mr. BAYLY to amend the same by striking out the words "be rejected," and inserting in lieu thereof the words "is reasonable," and the question being put thereupon was determined in the negative.

The said resolution was then agreed to.

No. 138. A bill giving jurisdiction to justices of the peace in actions of trespass upon real and personal property, was taken up on motion of Mr. SMITH *of Isle of Wight*, read a second time, and an amendment was thereto proposed by him; thereupon a motion was made by Mr. GOODSON that the farther consideration of the said bill and amendment be indefinitely postponed, and the question being put thereupon was determined in the affirmative.

Resolved, That said bill be rejected.

No. 164. A bill providing for the payment of slaves condemned to transportation under the act concerning the circulation of incendiary publications, was taken up on motion of Mr. BURWELL *of Bedford*, read a second time, amended on his motion, and on motion of Mr. MAY, as amended ordered to be engrossed.

No. 179. A bill providing more effectually for the opening and repairs of the public roads in the county of Loudoun, was read a second time and amended on motion of Mr. POWELL; thereupon on motion of Mr. TUNSTALL, the farther consideration thereof was indefinitely postponed.

Resolved, That the said bill be rejected.

No. 189. A bill to amend the act reducing into one the several acts concerning slaves, free negroes and

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mulattoes, was read a second time, amended on motions made by Mr. MAY, and as amended ordered to be engrossed.

No. 199. A bill directing the suspension of surveys, was read a second time, and amended on motions of Mr. CRUTCHFIELD and Mr. DORMAN. A further amendment was then submitted by Mr. CRUTCHFIELD, and on motion of Mr. STEPHENSON the said bill and amendment were laid upon the table.

No. 231. A bill to amend the several acts concerning the court of appeals, and the taking and trying appeals in chancery cases and for other purposes, was read a second time, amended on motion of Mr. LEE, and on motion of Mr. SOUTHALL ordered to be laid upon the table.

The following bills were read a second time and ordered to be engrossed:

No. 169. A bill amending the charter of the Appomattox coal mining company.

No. 170. A bill to authorize a ferry from the lands of William W. Wenner in the county of Loudoun across the Potomac river.

No. 171. A bill incorporating the Fallen creek manufacturing company.

No. 172. A bill concerning the lien of judgments and limiting proceedings against special bail in certain cases.

No. 173. A bill authorizing the sergeant of the city of Williamsburg to appoint a deputy. This bill was amended by the house on motion of Mr. ROBERTSON.

No. 175. A bill to amend the act, entitled, "an act to establish the Bank of Kanawha."

No. 176. A bill incorporating the trustees of the Rockingham academy in the town of Harrisonburg.

No. 180. A bill to incorporate the town of Point Pleasant in the county of Mason.

No. 181. A bill to authorize two separate elections in the county of Prince George.

No. 182. A bill to amend the several acts concerning the solemnization of marriages.

No. 184. A bill to revive the act, entitled "an act authorizing John Whitaker to erect a toll bridge across Peak creek in the county of Wythe."

No. 185. A bill to revive the act, entitled "an act incorporating the Sweet and Blue sulphur springs turnpike company."

No. 186. A bill concerning the Newbern and Red Sulphur springs turnpike company.

No. 187. A bill to amend the act, entitled "an act incorporating the Buchanan, Fincastle and Blacksburg turnpike company;" and

No. 190. A bill for the support and education of poor girls within this commonwealth.

No. 191. A bill incorporating the Macon's mill and Cold Harbour turnpike company, was read a second time, and on motion of Mr. M'RAE ordered to be committed.

No. 192. A bill concerning the Baltimore and Ohio rail-road company, was read a second time, and an amendment thereto was submitted by Mr. WORTHINGTON, and the said bill and amendment were laid upon the table on motion of Mr. BYRD.

The following bills were also read a second time and ordered to be engrossed:

No. 193. A bill appointing trustees for the town of New Market in the county of Shenandoah and prescribing their powers and duties.

No. 194. A bill to regulate the exercise of the right of suffrage in elections of trustees for the town of Portsmouth.

No. 195. A bill providing for the payment to the Woodstock, Strasburg and New Market academies in the county of Shenandoah, the proportion of the surplus literary fund allotted to those academies by the school commissioners of the county.

No. 196. A bill to incorporate the town of Williamsport in the county of Harrison.

No. 197. A bill to revive the act incorporating the Hyco falls manufacturing company.

No. 198. A bill concerning Peter Kremer; and

No. 200. A bill to amend the act, entitled "an act to provide for the construction of a road from Ice's ferry on Cheat river to the Pennsylvania line."

No. 201. A bill to incorporate the town of Terra Salis in the county of Kanawha, was on motion of Mr. REYNOLDS ordered to be laid upon the table.

Mr. CONN presented a petition of citizens of the county of Shenandoah for the passage of an act authorizing the county court to take stock in the Valley turnpike company.

Also a memorial of other citizens of said county opposing the passage of the said act.

On motion of Mr. ARMSTRONG the said petition and memorial were laid upon the table.

No. 209. A bill to amend the charter of the Bedford savings bank at Liberty, was read a second time and on motion of Mr. TUNSTALL laid upon the table.

No. 219. A bill concerning Benjamin Sheppard, administrator of John P. Shields deceased, was read a second time, and the question being put upon ordering the same to be engrossed, was determined in the negative.

Resolved, That the said bill be rejected.

On motion of Mr. WATTS the committee on the militia laws was discharged from the consideration of the petition of the officers of the 144th regiment, and the same was laid upon the table.

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Mr. DORMAN from the committee of finance presented the following bills:

No. 271. A bill concerning Guy D. French and William Chapman; and

No. 272. A bill providing for a temporary loan to meet the deficiency in the treasury.

The said last bill was read the first and second times, and the question being put upon engrossing the same, was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Southall, Cabell, M'Cue, Stuart, Lockridge, Mitchell, Hunter, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Alderson, Payne, Byrd, Erskine, Gibson, White, Lee, Armstrong, M'Rae, Worthington, Kennedy, Reynolds, Tayloe of King George, Lawson, Beard, Harrison, Caldwell, Wade of Montgomery and Pulaski, Watts, Etheridge, Aleshire, Hiner, Tunstall, Tallman, Snyder, Leyburn, Dorman, Quillen, Conn, Griever, Crutchfield, Stephenson and Walker—56.

NOES—Messrs. Bayly, Cropper, Carpenter, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Cox, Powell, Howell, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Butts, Clark of Halifax, Allen of Hampshire, Smith of Isle of Wight, Gregory, Wright, Fontaine, Orgain, Banks, Taylor of Mathews and Middlesex, Allyn of Norfolk borough, Fitzgerald, Hiden, May, Michaux, Roberts, Heath, Shipman, Ridley, Clarke of Surry, Prince and Stanger—36.

Mr. DORMAN from the same committee presented a report upon the petition of Guy D. French and William Chapman; and the following bill:

No. 273. A bill imposing taxes for the support of government; which was read the first and ordered to be read a second time.

On motion of Mr. BAYLY the select committee on the subject of the demand made by the executive of this state upon the executive of New York for certain fugitives from justice, was discharged from the consideration of the report and resolutions adopted by the state of South Carolina in relation to a controversy between the states of Georgia and Maine, and the same was ordered to be laid upon the table.

On motion of Mr. MAY, *Resolved*, That all reports from committees rejecting petitions or other propositions shall be laid on the table for the residue of this session without any motion made for that purpose, but with leave to any member to call up any such report during the afternoon sessions of the house without submitting any motion to that effect.

No. 202. A bill concerning the New Shenandoah company, was read a second time, amended on motion of Mr. WORTHINGTON, and as amended, ordered to be engrossed.

No. 203. A bill changing the mode of appointing inspectors of salt in the county of Kanawha; and

No. 204. A bill to authorize the Bank of Virginia to establish an agency in the town of Scottsville, were read a second time and ordered to be engrossed.

No. 205. A bill amending the act concerning commissions on sales made under decrees in chancery, was amended on motions severally made, and as amended ordered to be engrossed.

The following bills were also read a second time and ordered to be engrossed:

No. 206. A bill to incorporate the Dupuy and Bryant coal mining company in the county of Powhatan.

No. 207. A bill to amend the act, entitled "an act to incorporate the Harris creek manufacturing company," passed February 1st, 1832.

No. 208. A bill to authorize a separate election at the Buffaloe Ridge springs in the county of Nelson.

No. 211. A bill authorizing the ballast master at Fredericksburg to appoint assistants.

No. 212. A bill concerning William G. Hall.

No. 213. A bill to amend the several acts concerning the Holiday's Cove turnpike company.

No. 214. A bill authorizing Alexander H. Creel to establish a ferry across the Ohio river.

No. 215. A bill to revive the act to incorporate the Stonewall iron manufacturing company.

No. 216. A bill to incorporate the Montpelier marble company in the county of Orange.

No. 217. A bill concerning Edward H. Womwell.

No. 218. A bill concerning Thomas C. Burwell and Octavius A. Harvey.

No. 220. A bill to change the place of holding a separate election in the county of Nansemond; and

No. 221. A bill to revive and amend the act, entitled "an act prescribing the mode of electing trustees for the town of Covington in the county of Alleghany, and for other purposes."

On motions severally made leave of absence from the service of the house, for the remainder of the session from Monday next, was granted to Messrs. M'Connell, Caldwell, Wood and Chapman.

On motion of Mr. BANKS the vote upon granting the said leave was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Bayly, Southall, Cabell, Stuart, Lockridge, Mitchell, Hunter, Kyle, Thornburg, Toler, Fox, Corbin, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Marshall, Payne, King, Smith of Gloucester, Butts, Clark of Halifax, Gibson, White, Lee, M'Rae, Worthington, Reynolds, Tayloe of King George, Lawson, Ramey, Harrison, Orgain, Wade of Montgomery and Pulaski, Allyn of Norfolk borough, Watts, Etheridge, Fitzgerald, Hiden, Aleshire, Hiner, Tunstall,

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Tallman, Michaux, Roberts, Heath, Leyburn, Dorman, Quillen, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Stephenson and Walker—60.

Noes—Messrs. Cropper, Carpenter, M'Cue, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Flood, Cox, Roane, Powell, Alderson, Howell, Guerrant, Carroll of Grayson, Erskine, Taylor of Halifax, Allen of Hampshire, Armstrong, Smith of Isle of Wight, Gregory, Wright, Fontaine, Beard, Banks, Taylor of Mathews and Middlesex, Myers of Morgan, May, Snyder, Shipman, Conn, Grievor and Stanger—33.

On motions severally made, leave was granted to withdraw the petitions of Martha Elliott; of William M. Moody; of Bolling Jones; and of citizens of the county of Grayson for a new county.

On motion of Mr. Conn the house adjourned.

SATURDAY, March 7, 1840.

A communication from the senate by their clerk:

IN SENATE, March 6, 1840.

The senate have passed the bills, entitled,

"An act concerning executions and new trials in cases upon warrants."

"An act providing for the erection of a steward's house, and for furnishing a supply of water for the Virginia military institute."

"An act exempting firemen in the borough of Norfolk from serving on petit juries in civil cases."

They have also passed the bills, entitled,

"An act incorporating the Preston rail-road, lumber and mining company;" and

"An act increasing the reward for apprehending runaways in certain cases, and for other purposes," with amendments, in which they request the concurrence of the house of delegates.

And their committee appointed to examine enrolled bills have examined sundry such bills, which, being found truly enrolled, have been signed by their speaker, and are herewith returned to the house of delegates.

The said amendment to the first bill amended, was agreed to, and the clerk was ordered to inform the senate thereof.

The said second bill and amendments were on motion of Mr. Worthington ordered to be laid upon the table.

Mr. Crutchfield from the committee of roads and internal navigation reported with amendments the following bill:

No. 191. A bill incorporating the Macon's mill and Cold Harbour turnpike company.

No. 37. A bill, entitled "an act to amend the several acts concerning the Northwestern turnpike road," with the senate's amendments thereto, was taken up on motion of Mr. Lee. The house of delegates disagreed to the third and fourth amendments proposed by the senate to the said bill, and the senate insisted on their amendments; thereupon on motion of Mr. Smith *of Isle of Wight* the house receded from their disagreement to the said amendments, and agreed to the same with an amendment to the third amendment, and the clerk was ordered to inform the senate thereof and request their concurrence.

The house according to the joint order of the day proceeded by joint vote with the senate to the election of a brigadier-general for the 16th brigade, to supply the vacancy occasioned by the resignation of general Elisha Boyd; thereupon Mr. Burwell *of Clarke and Warren* nominated colonel *Joseph Tuley*, Mr. Worthington nominated major *Edmund P. Hunter;* Mr. Kennedy nominated colonel *Josiah W. Ware;* and Mr. Byrd nominated colonel *James H. Carson;* and the senate having been informed thereof, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Colonel Tuley—Messrs. Myers of Berkeley, Kyle, Toler, Fox, Coleman, Burwell of Clarke and Warren, Banks, Michaux, Griever, Goodson and Walker—11.

For Major Hunter—Messrs. Gilmer, (speaker,) Bayly, Cropper, Cabell, Stuart, Mitchell, M'Millan, Flood, Cardwell, Broadus, Whitworth, Roane, Payne, King, Smith of Gloucester, M'Rae, Worthington, Reynolds, Fontaine, Ewing, Caldwell, Goode, Evans, Chapman, Allyn of Norfolk borough, Watts, Etheridge, Yerby, M'Connell, Tunstall, Keen, Tallman, Carroll of Preston, Roberts, Ratcliffe, Crutchfield and Spotts—37.

For Colonel Ware—Messrs. Southall, M'Cue, Burwell of Bedford, Corbin, Marshall, Scott, Alderson, Hale, Erskine, Butts, Gregory, Kennedy, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Taylor of Mathews and Middlesex, Robertson, Leyburn, Dorman, Smith of Russell, and Stephenson—22.

For Colonel Carson—Messrs. Carpenter, Lockridge, Hannah, Thornburg, Cox, Crafford, Powell, Howell, Wade of Franklin, Baker, Byrd, Guerrant, Carroll of Grayson, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Lipscomb, Clayton, Wade of Montgomery and Pulaski, Fitzgerald, Hiden, Aleshire, Hiner, May, Heath, Sturm, Snyder, Shipman, Quillen, Conn, Bare, Ridley, Fitzhugh, Clarke of Surry, Prince and Stanger—41.

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For Colonel Samuel Johnson—Mr. Myers of Morgan—1.

Ordered, That Messrs. Burwell of Clarke and Warren, Worthington, Kennedy, Byrd, Crutchfield, Banks, Keen, Baker, and Tayloe of King George be a committee to act jointly with a committee of the senate to ascertain the state of the joint vote.

Mr. BURWELL *of Clarke and Warren* from the joint committee reported the joint vote to be for colonel *Tuley* 14; major *Hunter* 41; colonel *Ware* 27; colonel *Carson* 56; scattering 1.

There being no election, (and colonel *Tuley* being dropped under the rule,) the vote was again recorded as follows:

For Major Hunter—Messrs. Gilmer, (speaker,) Bayly, Cropper, Wood, Cabell, Stuart, Mitchell, M'Millan, Flood, Toler, Corbin, Coleman, Cardwell, Broadus, Whitworth, Roane, Payne, King, Smith of Gloucester, M'Rae, Worthington, Reynolds, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Caldwell, Goode, Evans, Chapman, Watts, Etheridge, Yerby, M'Connell, Tunstall, Keen, Tallman, Roberts, Ratcliffe, Dorman, Crutchfield and Spotts—42.

For Colonel Ware—Messrs. Southall, M'Cue, Burwell of Bedford, Myers of Berkeley, Fox, Burwell of Clarke and Warren, Marshall, Scott, Alderson, Hale, Erskine, Gregory, Kennedy, Tayloe of King George, Beard, Ramey, Harrison, Banks, Taylor of Mathews and Middlesex, Michaux, Robertson, Leyburn and Walker—23.

For Colonel Carson—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, Haskins, Kyle, Thornburg, Cox, Crafford, Powell, Howell, Wade of Franklin, Baker, Byrd, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Wright, Lipscomb, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Fitzgerald, Hiden, Aleshire, Hiner, May, Carroll of Preston, Heath, Sturm, Snyder, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Stephenson, Goodson and Stanger—52.

Mr. BURWELL *of Clarke and Warren* from the joint committee reported the joint vote to be for colonel *Ware* 30; for major *Hunter* 47; for colonel *Carson* 66.

There being no election, (and colonel *Ware* being dropped under the rule,) the vote was again recorded as follows:

For Major Hunter—Messrs. Gilmer, (speaker,) Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, M'Millan, Flood, Toler, Corbin, Coleman, Cardwell, Broadus, Whitworth, Roane, Marshall, Scott, Alderson, Payne, Hale, Smith of Gloucester, M'Rae, Worthington, Kennedy, Reynolds, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Harrison, Evans, Chapman, Watts, Etheridge, Yerby, Tunstall, Keen, Tallman, Roberts, Ratcliffe, Dorman, Crutchfield and Spotts—49.

For Colonel Carson—Messrs. Carpenter, Lockridge, Hannah, Jackson of Braxton and Lewis, Haskins, Kyle, Thornburg, Fox, Cox, Burwell of Clarke and Warren, Crafford, Powell, Howell, Wade of Franklin, Baker, Byrd, King, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Lee, Armstrong, Smith of Isle of Wight, Gregory, Wright, Tayloe of King George, Ramey, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Fitzgerald, Hiden, Aleshire, Hiner, May, Michaux, Carroll of Preston, Heath, Sturm, Robertson, Snyder, Leyburn, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Ridley, Fitzhugh, Clarke of Surry, Prince, Stephenson, Goodson, Walker and Stanger—66.

Mr. BURWELL *of Clarke and Warren* from the joint committee reported the joint vote to be for colonel *Carson* 83, for major *Hunter* 58, scattering 1; thereupon colonel *James H. Carson* was declared duly elected a brigadier general of the 16th brigade.

On motion of Mr. CRUTCHFIELD so much of the resolution as requires a daily recess to be taken at half past two o'clock, was suspended for this day.

No. 199. A bill directing the suspenson of surveys with the amendment thereto submitted by Mr. CRUTCHFIELD on yesterday, was taken up on his motion.

The said amendment is the following:

"*Be it further enacted*, That the Board of public works be and are hereby required to suspend making or carrying into effect any subscription on the part of the state to internal improvement companies authorized by existing acts, provided that this prohibition shall not extend to those companies which have commenced *bona fide* the actual construction of their respective works.

"*Be it further enacted*, That all appropriations for the construction of roads chargeable by law upon the public treasury, shall be and the same are hereby suspended, except in those cases where the work shall have been actually *commenced* previously to the passage of this act."

A motion was made by Mr. GOODSON to amend the same by inserting in the last line after the word "*commenced*" the words "*or the money actually subscribed*," and the question being put thereupon was determined in the affirmative.

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On motion of Mr. Scott the vote was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Bayly, Cabell, M'Cue, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Jackson of Braxton and Lewis, Thornburg, Toler, Broadus, Wilson, Crafford, Powell, Marshall, Scott, Alderson, Howell, King, Erskine, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Worthington, Reynolds, Fontaine, Lawson, Beard, Ramey, Harrison, Caldwell, Clayton, Evans, Chapman, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Hiden, Aleshire, Hiner, May, Tallman, Carroll of Preston, Ratcliffe, Sturm, Robertson, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Quillen, Conn, Griever, Stephenson, Goodson, Walker and Stanger—60.

Noes—Messrs. Carpenter, Hannah, Haskins, Kyle, Flood, Fox, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Whitworth, Roane, Hale, Wade of Franklin, Smith of Gloucester, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, White, Gregory, Wright, Tayloe of King George, Lipscomb, Orgain, Banks, Yerby, Roberts, Heath, Ridley, Crutchfield, Clarke of Surry, and Prince—34.

The question was then put upon adopting the said amendment as amended, and was determined in the affirmative.

On motion of Mr. Bayly the vote thereupon was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) M'Cue, Lockridge, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Wilson, Whitworth, Crafford, Howell, Hale, Wade of Franklin, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, White, Gregory, Reynolds, Wright, Tayloe of King George, Fontaine, Lipscomb, Banks, Chapman, Wade of Montgomery and Pulaski, Yerby, Hiden, Hiner, May, Tallman, Carroll of Preston, Snyder, Leyburn, Shipman, Smith of Russell, Quillen, Griever, Ridley, Crutchfield, Clarke of Surry, Prince, Goodson, Walker and Stanger—58.

Noes—Messrs. Bayly, Carpenter, Cabell, Myers of Berkeley, Burwell of Clarke and Warren, Broadus, Roane, Powell, Marshall, Scott, Alderson, Baker, Byrd, Allen of Hampshire, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Worthington, Lawson, Beard, Ramey, Harrison, Caldwell, Clayton, Evans, Myers of Morgan, Allyn of Norfolk borough, Fitzgerald, Aleshire, Roberts, Heath, Ratcliffe, Sturm, Robertson and Stephenson—36.

The said bill as amended was then ordered to be engrossed.

On motion of Mr. Taylor *of Halifax* the house adjourned until Monday ten o'clock.

MONDAY, March 9, 1840.

A communication from the senate by their clerk:

IN SENATE, March 7, 1840.

The senate have passed the bill, entitled,

"An act concerning the securities of William B. Manning."

No. 164. An engrossed bill providing for the payment of slaves condemned to transportation *under the act concerning the circulation of incendiary publications*, was read a third time and passed, and the title was amended on motion of Mr. May so as to read "an act providing for the payment of slaves condemned to death or transportation."

No. 173. An engrossed bill authorizing the sergeant of Williamsburg to appoint a deputy, was read a third time and passed, and the title was amended on motion of Mr. Robertson by adding thereto "and empowering the common council of Richmond to elect a mayor in certain cases."

No. 189. An engrossed bill to amend the act reducing into one the several acts concerning slaves, free negroes and mulattoes, was read a third time and passed.

The following engrossed bills were also read a third time and passed, viz:

No. 169. A bill amending the charter of the Appomattox coal mining company.

No. 170. A bill to authorize a ferry from the lands of William W. Wenner in the county of Loudoun, across the Potomac river.

No. 171. A bill incorporating the Fallen creek manufacturing company.

No. 172. A bill concerning the lien of judgments and limiting proceedings against special bail in certain cases.

No. 175. A bill to amend the act, entitled "an act to establish the Bank of Kanawha."

No. 176. A bill incorporating the trustees of the Rockingham academy, in the town of Harrisonburg.

No. 180. A bill to incorporate the town of Point Pleasant, in the county of Mason.

No. 181. A bill to authorize two separate elections in the county of Prince George.

No. 182. A bill to amend the several acts concerning the solemnization of marriages.

No. 184. A bill to revive the act, entitled "an act authorizing John Whitaker to erect a toll-bridge across Peak creek, in the county of Wythe, now Pulaski."

No. 185. A bill to revive the act, entitled "an act incorporating the Sweet and Blue Sulphur springs turnpike company.

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No. 186. A bill concerning the Newbern and Red Sulphur springs turnpike company.

No. 187. A bill to amend the act, entitled "an act incorporating the Buchanan, Fincastle and Blacksburg turnpike company."

No. 190. A bill for the support and education of poor girls within this commonwealth.

No. 193. A bill appointing trustees for the town of New Market, in the county of Shenandoah, and prescribing their powers and duties.

No. 194. A bill to regulate the exercise of the right of suffrage in elections of trustees for the town of Portsmouth.

No. 195. A bill providing for the payment to the Woodstock, Strasburg and New Market academies in the county of Shenandoah, the proportion of the surplus literary fund allotted to those academies by the school commissioners of the county.

No. 196. A bill to incorporate the town of Williamsport, in the county of Harrison.

No. 197. A bill to revive the act incorporating the Hyco falls manufacturing company.

No. 198. A bill concerning Peter Kremer.

No. 200. A bill to amend the act, entitled "an act to provide for the construction of a road from Ice's ferry on Cheat river to the Pennsylvania line."

No. 202. A bill concerning the New Shenandoah company.

No. 203. A bill changing the mode of appointing inspectors of salt in the county of Kanawha.

No. 204. A bill to authorize the Bank of Virginia to establish an agency in the town of Scottsville.

No. 205. A bill amending the act concerning commissions on sales made under decrees in chancery. This title was amended on motion of Mr. MAY, and caused to read "an act concerning sales under decrees of courts and the fees of clerks, and dispensing with refunding bonds to executors and administrators in certain cases."

No. 206. A bill to incorporate the Dupuy and Bryant coal mining company, in the county of Powhatan.

No. 207. A bill to amend the act, entitled "an act to incorporate the Harris creek manufacturing company," passed February 1st, 1832.

No. 208. A bill to authorize a separate election at the Buffaloe Ridge springs, in the county of Nelson.

No. 211. A bill authorizing the ballast master at Fredericksburg to appoint assistants.

No. 212. A bill concerning William G. Hall.

No. 213. A bill to amend the several acts concerning the Holiday's Cove turnpike company.

No. 214. A bill authorizing Alexander H. Creel to establish a ferry across the Ohio river.

No. 215. A bill to revive the act to incorporate the Stonewall iron manufacturing company.

No. 216. A bill to incorporate the Montpelier marble company, in the county of Orange.

No. 217. A bill concerning Edward H. Womwell.

No. 220. A bill to change the place of holding a separate election in the county of Nansemond; and

No. 221. A bill to revive and amend the act, entitled "an act prescribing the mode of electing trustees for the town of Covington, in the county of Alleghany, and for other purposes."

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following engrossed bills were, on motions severally made, ordered to be laid upon the table:

No. 218. A bill concerning Thomas C. Burwell and Octavius A. Harvey; and

No. 272. A bill providing for a temporary loan to meet the deficiency in the treasury.

No. 199. An engrossed bill directing the suspension of surveys was read a third time; thereupon a clause by way of ryder thereto was submitted by Mr. ROBERTS, which was twice read, amended on motion of Mr. SMITH *of Russell*, and as amended forthwith engrossed; and the question being put upon the passage of the said bill and ryder, was determined in the affirmative.

On motion of Mr. CRUTCHFIELD the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cropper, Wood, Cabell, M'Cue, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Fox, Coleman, Cardwell, Burwell of Clarke and Warren, Wilson, Whitworth, Crafford, Roane, Payne, Howell, Hale, Wade of Franklin, King, Smith of Gloucester, Guerrant, Erskine, Butts, Clark of Halifax, M'Rae, Smith of Isle of Wight, Gregory, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Ewing, Orgain, Banks, Taylor of Mathews and Middlesex, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Fitzgerald, Hiner, May, Tunstall, Keen, Michaux, Roberts, Heath, Leyburn, Dorman, Shipman, Smith of Russell, Griever, Ridley, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson, Goodson, Walker and Stanger—69.

NOES—Messrs. Carpenter, Stuart, Hunter, Thornburg, Alderson, Baker, Byrd, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, Worthington, Kennedy, Reynolds, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Hiden, Aleshire, Tallman, Ratcliffe, Robertson, Snyder, Quillen, Conn and Bare—27.

On motion of Mr. CRUTCHFIELD the title was amended by adding thereto the words "*and subscriptions on the part of the state*," so as to cause it to read "an act directing the suspension of surveys and subscriptions on the part of the state."

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

A message from the senate by Mr. M'Ilhaney:

Mr. Speaker—The senate have passed the bill, entitled, "an act reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth and for collecting the public revenue," with amendments in which they request the concurrence of this house.

No. 273. A bill imposing taxes for the support of government, was taken up on motion of Mr. Dorman, amended on motions severally made, and as amended ordered to be engrossed.

No. 218. An engrossed bill concerning Thomas C. Burwell and Octavius A. Harvey, was taken up on motion of Mr. Taylor *of King George*, and the question being put upon the passage of the said bill, was determined in the negative.

Resolved, That said bill be rejected.

On motions severally made, leave of absence from the service of this house was granted to Messrs. Gibson, Powell, Hannah and Snyder, for the remainder of the session from Friday next.

On motion of Mr. Banks the vote thereupon was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Wood, Myers of Berkeley, Hunter, Thornburg, Toler, Fox, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Marshall, Alderson, Payne, Byrd, King, Erskine, Clark of Halifax, Allen of Hampshire, Seymour, Armstrong, Worthington, Tayloe of King George, Tayloe of Lancaster and Richmond, Harrison, Orgain, Evans, Myers of Morgan, Watts, Etheridge, Yerby, Fitzgerald, Hiden, Hiner, Keen, Michaux, Carroll of Preston, Roberts, Heath, Dorman, Ridley, Crutchfield, Clarke of Surry, Prince, Stephenson and Walker—49.

Noes—Messrs. Bayly, Carpenter, Cabell, M'Cue, Stuart, Burwell of Bedford, Mitchell, Jackson of Braxton and Lewis, Meredith, Kyle, Flood, Roane, Howell, Hale, Guerrant, Carroll of Grayson, Taylor of Halifax, M'Rae, Smith of Isle of Wight, Gregory, Kennedy, Reynolds, Wright, Fontaine, Beard, Ramey, Banks, Taylor of Mathews and Middlesex, Aleshire, May, Ratcliffe, Shipman, Smith of Russell, Quillen, Conn, Griever, Fitzhugh, Goodson and Stanger—39.

On motions severally made, leave of absence from the service of this house was granted for the remainder of the session to Messrs. Alderson, and Burwell of Clarke and Warren, from Saturday next; to Mr. Baker from to-morrow, and to Mr. Clayton from Thursday next.

On motion of Mr. Gregory the house adjourned.

TUESDAY, March 10, 1840.

A communication from the senate by their clerk:

IN SENATE, March 9, 1840.

The senate have passed the bills, entitled,

"An act incorporating the Sweet springs and Salt Sulphur turnpike company."

"An act concerning Thomas Beasley a free man of colour."

"An act to incorporate the Tazewell White Sulphur springs turnpike company."

"An act concerning the water works of the city of Richmond."

They have also passed the bills, entitled,

"An act to amend an act, entitled 'an act concerning general elections in this commonwealth;'" and

"An act releasing to Susan C. Bott and Eliza Niblo the commonwealth's right to a lot in the town of Petersburg," with amendments, in which they request the concurrence of the house of delegates.

The said amendments to the last bill amended were severally agreed to, and the clerk was ordered to inform the senate thereof.

On motion of Mr. Seymour the said bill, entitled "an act to amend an act, entitled 'an act concerning general elections in this commonwealth,'" with the said amendments, was laid upon the table.

The bill, entitled "an act reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth, and for collecting the public revenue," with the amendments thereto proposed by the senate on yesterday, was on motion of Mr. Dorman ordered to be laid upon the table.

Mr. Crutchfield from the committee of roads and internal navigation presented the following bill:

No. 274. A bill to increase the capital stock of the Little and Big Deep creek navigation company, and for other purposes.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented the following bills:

No. 275. A bill to incorporate the town of Jeffersonville in the county of Tazewell; and

No. 276. A bill to authorize the owners of sheep killed by dogs to maintain an action of trespass.

Mr. Goodson from the committee of schools and colleges presented the following bill:

No. 277. An act amending the charter of the Abingdon academy.

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No. 192. A bill concerning the Baltimore and Ohio rail-road company, was taken up on motion of Mr. WORTHINGTON, together with the amendment thereto proposed by him on the sixth instant.

And the said amendment being agreed to, the same as amended was ordered to be engrossed.

No. 273. An engrossed bill imposing taxes for the support of government was read a third time and passed.

No. 272. An engrossed bill providing for a temporary loan to meet the deficiency in the treasury, was taken up on motion of Mr. CRUTCHFIELD, read a third time and passed.

On motion of Mr. GREGORY the vote upon the passage of said bill was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Thornburg, Toler, Fox, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Scott, Alderson, Payne, Hale, Wade of Franklin, Baker, Byrd, Erskine, White, Lee, Armstrong, M'Rae, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Clayton, Evans, Wade of Montgomery and Pulaski, Myers of Morgan, Watts, Etheridge, Yerby, Aleshire, Hiner, Tunstall, Keen, Tallman, Robertson, Leyburn, Dorman, Shipman, Smith of Russell, Conn, Bare, Griever, Crutchfield, Spotts, Goodson, Walker and Stanger—66.

NOES—Messrs. Bayly, Cropper, Carpenter, Wood, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Cox, Powell, Marshall, Howell, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Seymour, Smith of Isle of Wight, Gregory, Worthington, Wright, Fontaine, Orgain, Banks, Taylor of Mathews and Middlesex, Allyn of Norfolk borough, Fitzgerald, Hiden, May, Michaux, Heath, Ratcliffe, Snyder, Quillen, Ridley, Fitzhugh, Clarke of Surry, and Prince—43.

Ordered, That Mr. DORMAN carry the said bills to the senate and request their concurrence.

On motion of Mr. MAY the rule of the house providing for taking a daily recess and prohibiting the introduction of resolutions or petitions until after the recess was rescinded.

On motion of Mr. SEYMOUR, *Ordered*, That leave be given to bring in a bill authorizing the personal representatives of Adam Bowyer deceased, to execute a conveyance to Roger Gun for certain lands situated in the county of Bath, and that Messrs. Seymour, Lockridge, Shipman, Stuart, Hiner and Erskine prepare the same.

A motion was made by Mr. TAYLOR *of Mathews and Middlesex* that the house adopt the following resolution:

Resolved, That leave be given to bring in a bill to amend the charter of the Dragon Swamp company in the county of Middlesex.

And the question being put thereupon was determined in the negative.

No. 191. A bill incorporating the Macon's mill and Cold Harbour turnpike company, with the amendments thereto proposed, was taken up, and the said amendments being agreed to, the said bill, as amended, was ordered to be engrossed.

No. 223. A bill making further provision for opening a certain road in the counties of Bath and Alleghany was read a second time; thereupon on motion of Mr. SMITH *of Isle of Wight* the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

No. 226. A bill to amend the several acts concerning the Portsmouth and Roanoke rail-road company was read a second time, amended on motions severally made; and on motion of Mr. CRUTCHFIELD the same was laid upon the table and ordered to be printed.

The following bills were read a second time and ordered to be engrossed:

No. 222. A bill to establish the town of Dranesville in the county of Fairfax.

No. 224. A bill incorporating the Salem and Bent mountain turnpike company.

No. 225. A bill to amend the act, entitled, "an act to incorporate the Hanover and Henrico exploring and mining company;" and

No. 227. A bill incorporating the New Market and Buffaloe springs turnpike company.

No. 257. A bill concerning the public armory was amended on motion of Mr. HUNTER, and as amended ordered to be engrossed.

No. 262. A bill to incorporate a company to erect a toll-bridge across James river at Richmond, was read a second time; thereupon on motion of Mr. M'RAE the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

No. 252. A bill appropriating the public revenue was taken up, read a second time, and amended on motions severally made.

The said bill contained the following clause:

"To pay an allowance to the auditor of public accounts as a compensation for extra services in revising, compiling and preparing the several bills in relation to the revenue laws and other subjects, two hundred and fifty dollars."

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A motion was made by Mr. SMITH *of Isle of Wight* to amend the said bill by striking out the said clause, and the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Hannah, Haskins, Thornburg, Fox, Cox, Powell, Marshall, Howell, King, Butts, White, Smith of Isle of Wight, Worthington, Tayloe of King George, Orgain, Banks, Taylor of Mathews and Middlesex, Watts, Hiden, Hiner, May, Heath, Ratcliffe, Shipman, Quillen, Griever, Clarke of Surry, Prince and Goodson—29.

NOES—Messrs. Gilmer, (speaker,) Cropper, Carpenter, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, Meredith, Kyle, Flood, Coleman, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Alderson, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Clark of Halifax, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Gregory, Kennedy, Reynolds, Wright, Fontaine, Tayloe of Lancaster and Richmond, Beard, Ramey, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Etheridge, Yerby, Fitzgerald, Aleshire, Tunstall, Keen, Tallman, Michaux, Roberts, Robertson, Snyder, Leyburn, Dorman, Conn, Spotts and Stephenson—63.

The said bill was then further amended on motions severally made.

The said bill contained the following clause:

"For the support of the lunatic hospital at Williamsburg a sum equal to the balance remaining after deducting the value of the clothing furnished the said hospital at the penitentiary during the year ending the thirtieth of September last from the sum of *sixteen* thousand dollars."

A motion was made by Mr. GREGORY to amend the said clause by striking out the word "*sixteen*," and inserting in lieu thereof the words "*twenty-seven*."

The question was divided, and the word "sixteen" was stricken from the clause.

And the question being put upon inserting "twenty-seven," was determined in the negative.

On motion of Mr. STEPHENSON the vote was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cropper, Carpenter, M'Cue, Stuart, Hunter, Roane, Smith of Gloucester, Gregory, Worthington, Kennedy, Reynolds, Yerby, Roberts and Robertson—15.

NOES—Messrs. Cabell, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Thornburg, Toler, Fox, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Powell, Scott, Alderson, Howell, King, Guerrant, Carroll of Grayson, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Wright, Tayloe of King George, Fontaine, Beard, Ramey, Harrison, Banks, Taylor of Mathews and Middlesex, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Watts, Etheridge, Fitzgerald, Hiden, Aleshire, Hiner, May, Tunstall, Keen, Tallman, Michaux, Heath, Ratcliffe, Snyder, Leyburn, Dorman, Conn, Griever, Crutchfield, Fitzhugh, Clarke of Surry, Prince, Spotts, Stephenson and Goodson—72.

The blank created by striking out the word "sixteen" was then filled by inserting the words "twenty-one," on motion of Mr. DORMAN, and the said bill as amended was ordered to be engrossed.

On motion of Mr. DORMAN, *Resolved*, That the committee of finance have leave to bring in a bill transferring the sum of $3575 07 now in the treasury, and placed to the credit of the old James river company, into the treasury.

On motion of Mr. CROPPER the house adjourned.

WEDNESDAY, MARCH 11, 1840.

A communication from the senate by their clerk:

IN SENATE, MARCH 10, 1840.

The senate have passed the bill, entitled,

"An act authorizing payment for certain alterations to the hall of the house of delegates and to the interior of the capitol," with an amendment, in which they request the concurrence of the house of delegates.

The said amendment was agreed to, and the clerk was ordered to inform the senate thereof.

Mr. SEYMOUR according to order presented the following bill:

No. 278. A bill to authorize the personal representative of Adam Bowyer deceased, to convey certain land to Roger Gun, which was subsequently read the first and second times and ordered to be engrossed.

The following report was read, and on motion of Mr. MAY ordered to be laid upon the table:

The joint committee appointed to examine the penitentiary institution, have performed that duty, and respectfully submit the following report:

They have visited the institution and examined it with much care and minuteness. The interior of the buildings exhibits a condition alike conducive to the health and morals of the prisoners. The cleanliness of the

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cells, the good order of the hospital, and the arrangement and discipline observed in the workshops, afford abundant proof of the industry, attention and good management of the officers of the institution.

The committee next proceeded to examine the books, both at the penitentiary and at the store. They found them kept in a neat, clear and accurate style, with their various items supported by proper vouchers, and corresponding in the aggregate with the reports of the superintendent and general agent.

The manufacturing operations of the institution have been rather more productive, but not quite so large as they were the preceding year. This diminution in quantity, it is believed, is mainly owing to the fact, that an unusually large number of the best mechanics were discharged during the year, and some of the labour has been employed in the enclosing and preparation of the grounds around the buildings, in conformity with an act passed by the last general assembly. A slight depreciation in the prices of some manufactured articles has tended in a small degree to the same result. In consequence of the diminution in the quantity of manufactures, the agent has not effected sales to so large an amount as in the year before, but, it is believed, the sales have kept pace with the deliveries, and that the stock on hand at this time is greatly less than it was this time last year.

The salutary effects of the act, entitled "an act concerning the penitentiary," passed by the last legislature, whether viewed in regard to the health of the convicts or the economy of the institution, have been so far fully realized. The enclosures authorized by that act are now in progress, and when completed will give employment to a species of labour that has hitherto been almost entirely unproductive. Transports, invalids and others whose term of service is too short to enable them to acquire a trade, may be advantageously engaged in raising vegetables for the supply of the institution. Your committee would respectfully reiterate the suggestion made by the joint committee of the last general assembly, in regard to shortening of the long and lengthening of the short terms of punishment. Such an alteration of the criminal law, they believe, is equally demanded by humanity, economy and morality. A greater part of those returned for second offences, are such as have served for the shortest periods. Thrown upon society, covered with the disgrace, but not humbled by the duration of their penitential punishment, they are too apt to prove the enemies to its laws. In an economical point of view, their labours are of little value, for the time for their discharge generally arrives before they have acquired any useful trade. Of those sentenced for the longest periods, but few survive their term of service. In connection with this subject, the committee would direct your attention to the recommendation of the superintendent, in regard to the congregation of discharged convicts about Richmond and Manchester. This is a subject which urgently demands prompt legislative action. Combinations are already known to have been formed of the most mischievous and criminal character. Unless some means are provided to force them to leave the city of Richmond when discharged, its vicinity may not unfrequently be the scene of highway robberies. It often happens that they leave the penitentiary with the most vindictive feelings towards its officers. A proper regard for their safety, as well as the security of the institution itself, requires their immediate removal. Legislation on this subject is rendered the more necessary, by the existence on our statute books of "an act to prevent the carrying of concealed weapons." This law gives a decided advantage to the lawless over the law-loving citizen. It disarms one class of citizens only that the other may use arms with the greater impunity. Your committee would suggest the repeal of that law, at least so far as the officers of the penitentiary are concerned. The committee would beg leave to close their report with the following resolution:

Resolved, That it is expedient to require by law the removal of discharged convicts from the city of Richmond and the counties of Chesterfield and Henrico.

No. 209. A bill to amend the charter of the Bedford savings bank at Liberty, was taken up on motion of Mr. BURWELL *of Bedford*, read a second time, and on motion of Mr. SMITH *of Isle of Wight* the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

The following report was read, and on motion of Mr. MAY ordered to be laid upon the table:

The joint committee of the senate and house of delegates appointed to examine the public armory have performed that duty and present the following report:

For a detailed report of the arms, accoutrements, &c., the committee refer to the report of the late superintendent of the armory, capt. Blair Bolling, communicated at the last session of the general assembly, and for the report of arms, accoutrements, ordnance and ordnance stores received and issued during the year ending November 30th, 1839, they refer to the report of capt. John B. Richardson, the present superintendent, communicated at the present session, and marked document No. 16.

The committee caused a number of boxes containing arms to be opened and examined, and found the arms generally well preserved in strong, tight boxes. They found also the whole establishment in a condition entirely creditable to those having charge of it.

The committee directed their attention to the constant and alarming danger of fire, and the wholly inadequate and insufficient provision for arresting it, in case it should break out in the building. Independent of the great value and cost of the buildings, it is estimated that the public property within its walls is worth more than a million of dollars. To remove the arms in case of fire would be manifestly impossible. To replace them in the event of their destruction would be a long and tedious operation, besides burdening the commonwealth with

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an expense nearly twice as great as its revenue collected in any one year. To avert such a calamity the means provided are wholly insufficient and unavailable. They mainly consist of an old and indifferent engine, a small quantity of leading hose and a few fire buckets. The engine being entirely destitute of suction hose cannot be efficiently used since the canal has been walled up in front of the armory. The fire and hose companies of the city and the city fire plugs are too remote from the building to furnish aid as promptly as it might be required. The committee therefore have been able to devise no plan more effective and economical than a supply of water from the city water works, conveyed from some convenient point, by pipes to the area within the armory buildings, with fire plugs at suitable points, from which copious streams of water could be thrown by means of leading hose upon or into any part of the building or several parts at once, in case it should be fired in several places at the same time. The common hall of Richmond have granted the use of water for the extinguishment of fire only, reserving the right to tap the line for private supplies. By a survey and estimate made by the superintendent of the city water works, and communicated at the last session of the general assembly, the cost of the necessary lines of pipe, fire plugs and fixtures, would be seventeen hundred and fifty dollars.

The committee recommend an appropriation of this sum for the aforesaid object, and report a bill accordingly.

The attention of the committee was also directed to the quarters of the officers and soldiers of the public guard, which were found to be very contracted and uncomfortable. The quarters of the captain and superintendent consist of two rooms of moderate size. One of these rooms is used as a chamber for the accommodation of his family, the other must serve the purpose of parlour, dining room and office. This serious inconvenience, the committee ascertained, could be remedied at small cost, and without disturbing the present arrangement of the building. There are two rooms east of the superintendent's quarters, from which the arms have been removed several years since in consequence of a decay of the floors, and an apprehension of the insufficiency of the walls to sustain their weight. They are not now required for the storage of the public property. The committee therefore recommend that they be suitably fitted up and added to the quarters of the superintendent.

The quarters of the soldiers of the guard are defective, mainly from the decay of the floors. The lower floors of the east wing of the building were also found much decayed. True economy might require a thorough renewal of the floors of these apartments; but in consequence of the necessity of the other appropriations recommended, your committee recommend that a supply of tools and materials be furnished that the floors may be temporarily repaired.

The committee found a breach in the culvert conveying the water to the boring mill at the southwest end of the building which requires repair, and they recommend that the governor be requested to have said breach repaired.

The committee ascertained that the repairs to the roofs of the building, directed by an act passed April 8th, 1839, had been made, but have proved insufficient, leaking having again commenced in several places.

The committee herewith report a bill in conformity with the recommendations herein contained.

WM. CARSON, *C. C. S.*
EDM'D. P. HUNTER, *C. C. H. D.*

No. 228. A bill incorporating the trustees of the Blacksburg female academy; and

No. 229. A bill incorporating the Roanoke circulating library company, were read the first and second times and ordered to be engrossed.

No. 230. A bill concerning Edward Chapman was on motion of Mr. MAY laid upon the table.

No. 231. A bill to provide for rebuilding the bridge on the Northwestern turnpike road across Elk creek in the county of Harrison was read the first and second times and ordered to be engrossed.

No. 125. A bill to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company for the purpose of laying down an iron rail, or a more permanent plate rail superstructure on said road, was taken up on motion of Mr. ROBERTSON, read a second time, amended on motion of Mr. SMITH *of Isle of Wight*, and as amended ordered to be engrossed.

No. 232. A bill providing for the appointment of inspectors of plaster of paris, was laid upon the table on motion of Mr. BROADUS.

No. 233. A bill to authorize the use of paint in putting brand marks on casks of flour and indian meal, was laid upon the table on motion of Mr. MAY.

No. 234. A bill concerning the return and trial of warrants in civil cases, was laid upon the table on motion of Mr. SMITH *of Isle of Wight.*

No. 235. A bill to change the time of holding the fall term of the circuit superior court of the county of Goochland, was read the first and second times, amended on motion of Mr. BURWELL *of Clarke and Warren*, and as amended ordered to be engrossed.

No. 236. A bill to change the place of holding a separate election in the county of Augusta, was read the first and second times and ordered to be engrossed.

No. 237. A bill to authorize a separate election in each of the counties of Rappahannock, Halifax, Fairfax,

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and Amherst, was read the first and second times, amended on motion of Mr. CLARK *of Halifax*, and ordered to be engrossed.

No. 388. A bill to carry into effect the provisions of the will of Martin Dawson deceased, was laid on the table on motion of Mr. MAY.

No. 239. A bill incorporating the Mercer manufacturing company in the county of Loudoun, was read the first and second times and ordered to be engrossed.

No. 240. A bill to authorize the sale of real estate of Elias Ely deceased, was read the first time, and the question being put upon reading it the second time, was determined in the negative.

Resolved, That the bill be rejected.

No. 241. A bill to authorize the librarian to deliver reports of the court of appeals to the judges, was read the first and second times and ordered to be engrossed.

The following bills were also read the first and second times and ordered to be engrossed:

No. 243. A bill changing the time for holding the courts in the county of Roanoke.

No. 244. A bill to amend the charter of the Norfolk savings institution.

No. 245. A bill incorporating the Clarksburg savings society.

No. 246. A bill to extend the corporate limits of the town of Danville in the county of Pittsylvania.

No. 247. A bill allowing a reward for killing grey foxes in the county of Prince William.

No. 248. A bill to incorporate the Harrison county silk and agricultural society.

No. 249. A bill concerning lunatic hospitals.

No. 250. A bill incorporating the Washington academy of Amelia.

No. 251. A bill to incorporate the trustees of the Abingdon female academy; and

No. 252. A bill authorizing Ebenezer Eliason, William P. Eliason, and Ebenezer Eliason jr., to construct a toll-bridge across the Rapid Ann river near Barnett's ford.

No. 253. A bill to authorize the trustees of the town of Lexington to levy taxes for the improvement of the streets of said town, was amended on motion of Mr. TAYLOR *of Mathews and Middlesex*, and as amended ordered to be engrossed.

No. 254. A bill to authorize the banks of this commonwealth to issue notes of the denomination of one and two dollars, was on motion of Mr. MAY laid upon the table.

No. 255. A bill authorizing an investment in lands in Missouri for the benefit of John H. Markle; and

No. 258. A bill regulating notarial fees, were read the first and second times and ordered to be engrossed.

No. 261. A bill to grant the use of the public library to the clerks in the public offices, was read the first and second times, amended on motion of Mr. TAYLOR *of King George*, and as amended ordered to be engrossed.

No. 264. A bill empowering the governor to authorize the erection of an engine house on the southeast corner of the public square, was read the first and second times, amended on motion of Mr. ROBERTSON, and as amended ordered to be engrossed.

No. 265. A bill to change the place of holding a separate election in the county of Botetourt.

No. 266. A bill to authorize a separate election at the tavern house of John Mastin in the county of Alleghany; and

No. 267. A bill to authorize the auditor of public accounts to issue a warrant in favour of William D. Wren, administrator of Robert George deceased, in pursuance of a judgment of the circuit superior court of law and chancery for the county of Henrico and city of Richmond for revolutionary services, were read twice and ordered to be engrossed.

No. 268. A bill to increase the number of directors at the branch banks of the Bank of the Valley in Virginia, was read the first time, and the question being put upon reading it a second time, was determined in the negative.

Resolved, That said bill be rejected.

No. 269. A bill concerning the government house.

No. 270. A bill concerning the taking of oysters in the counties of Mathews and Middlesex.

No. 271. A bill concerning Guy D. French and William Chapman.

No. 272. A bill to increase the capital stock of the Little and Big Deep creek navigation company and for other purposes.

No. 276. A bill to incorporate the town of Jeffersonville in the county of Tazewell; and

No. 277. A bill amending the charter of the Abingdon academy, were also twice read and ordered to be engrossed.

No. 275. A bill to authorize the owners of sheep killed by dogs to maintain an action of trespass, was on motion of Mr. GREGORY indefinitely postponed.

Resolved, That the said bill be rejected.

On motion of Mr. MITCHELL the rule of the house was suspended, and the vote rejecting the bill,

No. 240, entitled "a bill to authorize the sale of real estate of Elias Ely deceased," was reconsidered, and the same was ordered to be engrossed.

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On motion of Mr. MAY the rule of the house was suspended, and the vote concurring with the resolution of the committee for courts of justice rejecting the petition of Mary Elliott and others, was reconsidered, and the said resolution was referred to a committee of Messrs. May, Lee, Burwell of Bedford, Mitchell and Gregory, with leave to bring in a bill conformably with the prayer of the petitioners.

The following report was read, and on motion of Mr. MEREDITH ordered to be laid upon the table:

The committee appointed to examine the first auditor's office, have performed that duty, and respectfully submit the following report:

The committee have carefully examined the books and papers of the office, and find that the books are neatly and accurately kept, and that the papers are carefully preserved; the disbursements and vouchers are found to correspond, and the various duties of the office are faithfully performed.

Your committee recommend the adoption of the suggestion heretofore made, that a more commodious apartment should be provided for the accommodation of the business of the office, or that a separate room be furnished for the reception of that portion of the papers, consisting chiefly of the returns of the commissioners of the revenue, that are now necessarily exposed, and lying on the tables of the office, for the want of space to dispose of them more suitably. These papers are annually accumulating, and if it be important to preserve them, some arrangement should be made for that purpose.

The speaker laid before the house communications from the president and secretary of the James river and Kanawha company, transmitting the information called for by the resolution of the house of the 29th ultimo, upon sundry points connected with the fiscal affairs of the company, which on motion of Mr. CLARK *of Halifax* was laid upon the table and ordered to be printed. [Doc. No. 66.]

On motion of Mr. CLARK *of Halifax*, *Ordered*, That leave be given to bring in a bill for the relief of Levi A. Blankenship, and that Messrs. Clark of Halifax, Taylor of Halifax, Tunstall, Hale, and Wade of Franklin, bring in the same.

Mr. DORMAN from the committee of finance presented the following bill:

No. 279. A bill transferring a sum of money standing to the credit of the old James river company, to the public treasury.

On motion of Mr. LEYBURN the committee of schools and colleges was discharged from the consideration of the petition of the Jefferson and Washington societies of the university of Virginia, and the same was laid upon the table.

On motion of Mr. SCOTT the house adjourned.

THURSDAY, MARCH 12, 1840.

A communication from the senate by their clerk:

IN SENATE, MARCH 11, 1840.

The senate have passed the bills, entitled,

"An act authorizing the sergeant of Williamsburg to appoint a deputy, and empowering the common council of Richmond to elect a mayor in certain cases."

"An act to incorporate the town of Point Pleasant in the county of Mason."

"An act concerning William G. Hall."

"An act to amend the act, entitled 'an act incorporating the Buchanan, Fincastle and Blacksburg turnpike company.'"

"An act to amend the several acts concerning the Holiday's Cove turnpike company."

"An act to revive the act, entitled 'an act incorporating the Sweet and Blue Sulphur springs turnpike company.'"

"An act concerning the Newbern and Red Sulphur springs turnpike company."

"An act to amend the act, entitled 'an act to provide for the construction of a road from Ice's ferry on Cheat river to the Pennsylvania line.'"

"An act appointing trustees for the town of New Market, in the county of Shenandoah, and prescribing their powers and duties."

"An act to authorize a ferry from the lands of William W. Wenner, in the county of Loudoun, across the Potomac river."

"An act to revive the act incorporating the Hyco falls manufacturing company."

"An act to regulate the exercise of the right of suffrage in elections of trustees for the town of Portsmouth."

"An act concerning the New Shenandoah company."

"An act amending the charter of the Appomattox coal mining company."

"An act to revive the act to incorporate the Stonewall iron manufacturing company."

"An act to authorize two separate elections in the county of Prince George."

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"An act incorporating the Fallen creek manufacturing company;" and

"An act to incorporate the Dupuy and Bryant coal mining company, in the county of Powhatan."

They have also passed the bills, entitled,

"An act to amend the several acts concerning the banks."

"An act to incorporate French's hotel company in the borough of Norfolk;" and

"An act to change the place of holding a separate election in the county of Nansemond," with amendments, in which they request the concurrence of the house of delegates.

The said first bill amended was passed over by the general consent of the house, and the amendments to the remaining bills were severally agreed to.

Ordered, That the clerk inform the senate thereof.

The following engrossed bills were read a third time and passed:

No. 192. A bill concerning the Baltimore and Ohio rail-road company.

No. 191. A bill incorporating the Macon's mill and Cold Harbour turnpike company.

No. 222. A bill to establish the town of Dranesville, in the county of Fairfax.

No. 224. A bill incorporating the Salem and Bent mountain turnpike company.

No. 225. A bill to amend the act, entitled "an act to incorporate the Hanover and Henrico exploring and mining company.

No. 227. A bill incorporating the New Market and Buffaloe springs turnpike company.

No. 257. A bill concerning the public armory.

No. 228. A bill incorporating the trustees of the Blacksburg female academy.

No. 229. A bill incorporating the Roanoke circulating library company.

No. 236. A bill to change the place of holding a separate election in the county of Augusta.

No. 237. A bill to authorize a separate election in each of the counties of Rappahannock, Halifax, Fairfax and Amherst.

No. 239. A bill incorporating the Mercer manufacturing company, in the county of Loudoun.

No. 241. A bill to authorize the librarian to deliver reports of the court of appeals to the judges.

No. 243. A bill changing the time for holding the courts in the county of Roanoke.

No. 244. A bill to amend the charter of the Norfolk savings institution.

No. 245. A bill incorporating the Clarksburg savings society.

No. 246. A bill to extend the corporate limits of the town of Danville, in the county of Pittsylvania.

No. 247. A bill allowing a reward for killing grey foxes in the county of Prince William; and

No. 248. A bill to incorporate the Harrison county silk and agricultural society.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 126. An engrossed bill to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company for the purpose of laying down iron rails, or a more permanent rail plate superstructure on said road, was on motion of Mr. CRUTCHFIELD ordered to be laid upon the table.

No. 235. An engrossed bill to change the time of holding the fall term of the circuit superior court of the county of Goochland was read a third time and passed, and the title was amended on motion of Mr. MAY by adding thereto "*and to suspend the act changing the time of holding the circuit superior court of the county of Jefferson.*"

No. 231. An engrossed bill to provide for rebuilding the bridge on the Northwestern turnpike road across Elk creek in the county of Harrison, was read a third time and passed.

On motion of Mr. YERBY the vote upon the passage of the said bill was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Carpenter, M'Cue, Stuart, Lockridge, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Thornburg, Toler, Burwell of Clarke and Warren, Scott, Alderson, Howell, Byrd, King, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Worthington, Kennedy, Reynolds, Lawson, Beard, Ramey, Harrison, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Aleshire, Hiner, Keen, Tallman, Michaux, Carroll of Preston, Sturm, Robertson, Dorman, Shipman, Smith of Russell, Conn, Bare, Griever, Crutchfield, Spotts, Stephenson and Goodson—66.

NOES—Messrs. Bayly, Cropper, Southall, Wood, Cabell, Burwell of Bedford, Mitchell, Meredith, Haskins, Kyle, Flood, Fox, Corbin, Cardwell, Cox, Broadus, Wilson, Whitworth, Powell, Payne, Hale, Smith of Gloucester, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, White, Smith of Isle of Wight, Gregory, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Etheridge, Yerby, Fitzgerald, Hiden, Tunstall, Roberts, Heath, Ratcliffe, Snyder, Ridley, Clarke of Surry, Prince, Walker and Stanger—52.

No. 240. An engrossed bill to authorize the sale of real estate of Elias Ely deceased, was read a third time; thereupon a ryder thereto was submitted by Mr. MAY, which was twice read and forthwith engrossed and read a third time, and the bill and ryder was passed, and the title was amended on motion of Mr. MAY so as to read "an act to authorize the sale of real estate of Elias Ely *and of George Elliott* deceased."

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

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No. 249. An engrossed bill concerning lunatic hospitals was read a third time, and the question being put upon its passage was determined in the negative.

On motion of Mr. CRUTCHFIELD the vote thereupon was recorded as follows:

AYES—Messrs. Carpenter, M'Cue, Stuart, Lockridge, Burwell of Bedford, Myers of Berkeley, Hunter, Hannah, M'Millan, Thornburg, Crafford, Scott, Alderson, King, Smith of Gloucester, Guerrant, Erskine, Taylor of Halifax, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Gregory, Worthington, Reynolds, Tayloe of Lancaster and Richmond, Lawson, Ramey, Evans, Wade of Montgomery and Pulaski, Massie, Allyn of Norfolk borough, Watts, Yerby, Hiden, Hiner, May, Keen, Tallman, Roberts, Robertson, Snyder, Leyburn and Spotts—46.

NOES—Messrs. Gilmer, (speaker,) Southall, Wood, Cabell, Mitchell, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Roane, Payne, Howell, Hale, Byrd, Carroll of Grayson, Butts, Lee, Armstrong, Smith of Isle of Wight, Wright, Tayloe of King George, Fontaine, Beard, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Fitzgerald, Alesbire, Tunstall, Michaux, Heath, Ratcliffe, Sturm, Shipman, Smith of Russell, Quillen, Bare, Griever, Crutchfield, Clarke of Surry, Prince, Stephenson, Goodson, Walker and Stanger—57.

Resolved, That said bill be rejected.

A message from the senate by Mr. ATKINSON:

Mr. SPEAKER—The senate have passed bills, entitled,

"An act authorizing the confession of judgments in the clerk's office, and for other purposes;" and

"An act for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands," with amendments, in which they request the concurrence of the house of delegates.

No. 146. The bill, entitled "an act to amend the several acts concerning the banks," with the amendments thereto proposed by the senate, was taken up.

The first amendment was on the question put thereupon agreed to.

The second amendment was read. The first section of the said bill provided that so much of any act as may prohibit the banks "from issuing notes for sums of *five and* ten dollars, shall be and the same is hereby suspended until the first of April 1841."

The senate proposed in their said amendment to strike out the words "*five and*," and the question being put thereupon was determined in the negative.

On motion of Mr. TUNSTALL the vote thereupon was recorded as follows:

AYES—Messrs. Carpenter, Haskins, Burwell of Clarke and Warren, Roane, Powell, Taylor of Halifax, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Hiden, Alesbire, Heath, Ratcliffe, Quillen, Conn, Bare and Prince—20.

NOES—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Hannah, Jackson of Braxton and Lewis, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Cox, Broadus, Wilson, Whitworth, Crafford, Marshall, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, Byrd, King, Smith of Gloucester, Guerrant, Carroll of Grayson, Erskine, Butts, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Gregory, Worthington, Kennedy, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Beard, Ramey, Harrison, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Fitzgerald, Hiner, Tunstall, Keen, Tallman, Michaux, Carroll of Preston, Roberts, Sturm, Robertson, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Griever, Crutchfield, Fitzhugh, Clarke of Surry, Spotts, Stephenson, Goodson, Walker and Stanger—93.

The third, fourth and fifth amendments were severally agreed to.

The sixth amendment is the following:

And provided, That nothing in this act contained shall be so construed as to affect the right of any person or persons, who demanded payment prior to the eleventh day of December last, of any sum due him, her or them, and which has not been paid, whether such demand was made in person, or in writing, of the president or cashier of the bank at which such sum was due, whether by bill, note or deposite: *And provided also*, That nothing in this act shall be so construed as to exempt any bank from the penalties and forfeitures imposed by the act of eighteen hundred and thirty-seven concerning the banks of this commonwealth in any case in which the president or cashier thereof may have acknowledged verbally or in writing any such demand, and the failure to pay the same prior to the said eleventh day of December last.

The question being put upon agreeing to the said amendment was determined in the negative.

On motion of Mr. BANKS the vote thereupon was recorded as follows:

AYES—Messrs. Carpenter, Hannah, Meredith, Haskins, Thornburg, Powell, Howell, King, Guerrant, Butts, Taylor of Halifax, Lee, Armstrong, Wright, Lipscomb, Banks, Wade of Montgomery and Pulaski, Myers of Morgan, Hiden, Alesbire, Sturm, Snyder, Shipman, Conn, Bare, Prince and Stanger—27.

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Noes—Messrs. Bayly, Cropper, Southall, Wood, Cabell, M'Cue, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Smith of Gloucester, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, Seymour, M'Rae, Smith of Isle of Wight, Gregory, Kennedy, Reynolds, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Taylor of Mathews and Middlesex, Clayton, Evans, Massie, Allyn of Norfolk borough, Watts, Etheridge, Yerby, Hiner, Tunstall, Keen, Tallman, Michaux, Venable, Roberts, Heath, Ratcliffe, Robertson, Leyburn, Smith of Russell, Crutchfield, Fitzhugh, Clarke of Surry, Stephenson and Walker—75.

The seventh and eighth amendments were severally agreed to, and the ninth amendment was disagreed to.

The ninth section of the bill is the following:

"*And be it further enacted*, That the act, entitled, 'an act to stay the proceedings on executions and trust deeds and other demands in cases of refusal to receive bank notes,' passed the 22d day of June 1837, shall be and the same is hereby revived and re-enacted, and the same shall continue in full force and effect until the first day of April 1841: *Provided*, That nothing in the said act contained shall be construed to extend to any judgment or decree against any of the banks of this commonwealth."

The tenth amendment of the senate proposed to strike from the bill the said section, and the question being put thereupon was determined in the negative.

On motion of Mr. Fox the vote thereupon was recorded as follows:

Ayes—Messrs. Carpenter, Hannah, Jackson of Braxton and Lewis, Haskins, Cox, Powell, King, Smith of Gloucester, Guerrant, Butts, Taylor of Halifax, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Lipscomb, Orgain, Taylor of Mathews and Middlesex, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Fitzgerald, Hiden, Aleshire, Hiner, May, Tunstall, Heath, Sturm, Snyder, Shipman, Quillen, Conn, Bare, Crutchfield, Clarke of Surry, Prince, Walker and Stanger—40.

Noes—Messrs. Cropper, Cabell, M'Cue, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, M'Millan, Meredith, Kyle, Flood, Thornburg, Toler, Fox, Corbin, Cardwell, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Alderson, Hale, Wade of Franklin, Byrd, Carroll of Grayson, Erskine, Clark of Halifax, Gibson, Allen of Hampshire, White, M'Rae, Gregory, Kennedy, Reynolds, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Harrison, Banks, Watts, Etheridge, Yerby, Keen, Michaux, Carroll of Preston, Venable, Roberts, Robertson, Leyburn, Smith of Russell, Griever, Fitzhugh, Stephenson and Goodson—60.

The senate proposed by their eleventh amendment to insert before the commencing clause the following section:

"*Be it further enacted*, That the banks of the commonwealth shall not receive in payment or on deposite from and after the first day of April next the bank notes of any bank located without this state of a denomination below ten dollars."

And the question being put thereupon was determined in the affirmative.

On motion of Mr. Worthington the vote was recorded as follows:

Ayes—Messrs. Carpenter, M'Cue, Burwell of Bedford, Mitchell, Hannah, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Fox, Corbin, Cox, Burwell of Clarke and Warren, Roane, Powell, Howell, King, Guerrant, Carroll of Grayson, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, White, Armstrong, Smith of Isle of Wight, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Orgain, Banks, Taylor of Mathews and Middlesex, Wade of Montgomery and Pulaski, Watts, Hiden, Aleshire, Hiner, Michaux, Venable, Heath, Ratcliffe, Snyder, Shipman, Quillen, Conn, Bare, Crutchfield, Clarke of Surry, Prince, Stephenson and Stanger—52.

Noes—Messrs. Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Toler, Cardwell, Broadus, Wilson, Crafford, Scott, Alderson, Hale, Wade of Franklin, Gibson, Seymour, M'Rae, Gregory, Worthington, Reynolds, Lawson, Beard, Ramey, Harrison, Myers of Morgan, Yerby, Tunstall, Keen, Tallman, Roberts, Robertson, Leyburn, Dorman, Smith of Russell, and Walker—35.

The twelfth amendment proposed by the senate was agreed to.

The thirteenth amendment was disagreed to.

The fourteenth amendment was amended on motion of Mr. Venable, and as amended agreed to by the house.

The fifteenth amendment was also agreed to.

The sixteenth and seventeenth amendments were disagreed to.

Ordered, That the clerk inform the senate thereof and request their concurrence in the said amendment to their fourteenth amendment.

Mr. Robertson from the committee appointed to examine the executive expenditures presented a report.

On motion of Mr. Hunter the house adjourned.

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FRIDAY, March 13, 1840.

A communication from the senate by their clerk:

IN SENATE, March 12, 1840.

The senate have passed the bills, entitled,

"An act providing for the payment to the Woodstock, Strasburg and New Market academies in the county of Shenandoah, the proportion of the surplus literary fund allotted to those academies by the school commissioners of the county."

"An act to incorporate the town of Williamsport in the county of Harrison."

"An act authorizing Alexander H. Creel to establish a ferry across the Ohio river."

"An act authorizing the ballast master at Fredericksburg to appoint assistants."

"An act to revive and amend the act, entitled, 'an act prescribing the mode of electing trustees for the town of Covington in the county of Alleghany and for other purposes.'"

"An act to authorize a separate election at the Buffaloe Ridge springs in the county of Nelson;" and

"An act to revive the act, entitled, 'an act authorizing John Whitaker to erect a toll-bridge across Peak creek in the county of Wythe, now Pulaski.'"

They have also passed the bills, entitled,

"An act concerning sales under decrees of courts and the fees of clerks, and dispensing with refunding bonds to executors and administrators in certain cases."

"An act incorporating the trustees of the Rockingham academy in the town of Harrisonburg."

"An act for the support and education of poor girls within this commonwealth."

"An act providing for a temporary loan to meet the deficiency in the treasury."

"An act to amend the act, entitled, 'an act to incorporate the Harris creek manufacturing company,'" passed February 1st, 1832.

"An act to incorporate the Montpelier marble company in the county of Orange;" and

"An act to amend an act, entitled, 'an act for the better organization of the militia,'" with amendments in which they request the concurrence of the house of delegates.

And they have agreed to a resolution requesting the house of delegates to make the necessary appropriation to defray the expense of fitting up the apartments now used by the court of appeals and general court for the use of the senate.

The said bill, entitled, "an act providing for a temporary loan to meet the deficiency in the treasury," with the senate's amendment thereto, was on motion of Mr. Crutchfield ordered to be laid upon the table.

The amendments proposed by the senate to the other bills amended were severally agreed to, and the clerk was ordered to inform the senate thereof.

The resolution from the senate is the following:

Resolved, That the house of delegates be requested to make the necessary appropriation to defray the expense of fitting up the apartments now used by the court of appeals and general court for the use of the senate.

The same having been read, on motion of Mr. May was referred to a committee of Messrs. May, Dorman, Crutchfield, Tunstall, Robertson, Smith of Isle of Wight, Ratcliffe and Bayly.

The bill, entitled, "an act authorizing the confession of judgments in the clerk's office and for other purposes," with the amendment thereto proposed by the senate, was taken up, and the said amendment was agreed to, and the clerk was ordered to inform the senate thereof.

The bill, entitled, "an act for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands," with the amendments thereto proposed by the senate, was taken up, and the said amendments were disagreed to, and the clerk was ordered to inform the senate thereof.

Mr. Clark *of Halifax* according to order presented a bill,

No. 280. Entitled, "a bill for the relief of Levi A. Blankenship," which was read the first and ordered to be read a second time.

Mr. Allyn *of Norfolk borough* from the committee on trade and the mechanic arts presented a report upon the memorial of the committee of the commercial convention at Norfolk, which on his motion was laid upon the table.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented the following bill:

No. 281. A bill establishing the town of Boothsville in the county of Harrison.

On motions severally made, *Ordered*, That leave of absence from the service of this house for the remainder of the session be granted to Mr. Lockridge from Tuesday next, to Messrs. Seymour, Ridley and Quillen, from to-morrow, and to Mr. Harrison from Monday next.

On motion of Mr. Allyn *of Norfolk borough*, the following report was taken up and read as follows:

The committee of propositions and grievances have according to order had under consideration an order of the hustings court of the borough of Norfolk, of 31st December 1839, requesting the mayor of said borough to communicate with the delegate of said borough in the general assembly, and request him to endeavour to obtain

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from the legislature a repeal or modification of so much of the act establishing the *Norfolk borough ferry* as prohibits the transportation of persons other than residents of said borough, or persons coming to, or going from said borough, as passengers on the Portsmouth and Roanoke rail-road, together with several documents connected therewith, to them referred: Whereupon,

Resolved as the opinion of this committee, That the repeal or modification, in said instruction sought, *be rejected* for insufficiency of notice.

A motion was made by Mr. ALLYN *of Norfolk* to amend the same by striking therefrom the words "be rejected for insufficiency of notice," and inserting in lieu thereof the words "is reasonable;" thereupon on motion of Mr. HUNTER the farther consideration of the said report was indefinitely postponed.

No. 226. A bill to amend the several acts concerning the Portsmouth and Roanoke rail-road company, was taken up on motion of Mr. CRUTCHFIELD, and amended on his motion.

A further amendment was thereto submitted by Mr. ALLYN *of Norfolk* as an additional section, and was read as follows:

And be it further enacted, That the 7th section of the act, entitled "an act to authorize a ferry from the borough of Norfolk to the corporation wharf in the town of Portsmouth," shall be and the same is hereby repealed; and the ferry therein mentioned shall be subject to the same duty as the Portsmouth ferry in the carrying of persons to elections and courts free of charge.

The question being put upon adopting the said amendment was determined in the negative.

On motion of Mr. ALLYN *of Norfolk borough* the vote was recorded as follows:

AYES—Messrs. Bayly, Hannah, Powell, Smith of Gloucester, Butts, Allen of Hampshire, Reynolds, Wright, Fontaine, Lipscomb, Taylor of Mathews and Middlesex, Allyn of Norfolk borough, Aleshire, May, Venable, Roberts, Ratcliffe, Sturm, Snyder, Conn, Ridley, Clarke of Surry, Goodson and Stanger—24.

NOES—Messrs. Gilmer, (speaker,) Southall, Carpenter, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Hunter, Meredith, Haskins, Kyle, Thornburg, Toler, Fox, Corbin, Cardwell, Cox, Burwell of Clarke and Warren, Broadus, Wilson, Whitworth, Crafford, Roane, Marshall, Scott, Howell, Hale, Wade of Franklin, King, Guerrant, Erskine, Taylor of Halifax, Clark of Halifax, Seymour, Armstrong, M'Rae, Smith of Isle of Wight, Gregory, Worthington, Tayloe of King George, Tayloe of Lancaster and Richmond, Ewing, Lawson, Beard, Ramey, Orgain, Banks, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Watts, Etheridge, Yerby, Hiden, Hiner, Tunstall, Keen, Tallman, Michaux, Heath, Robertson, Leyburn, Dorman, Shipman, Smith of Russell, Griever, Crutchfield, Fitzhugh, Prince, Spotts, Stephenson and Walker—75.

The said bill was further amended on motion of Mr. VENABLE, and as amended ordered to be engrossed.

On motions severally made, leave of absence from the service of this house was granted for the remainder of the session to Messrs. Ewing, Tallman and Carpenter from the fifteenth instant; and to Messrs. Haskins and Clarke of Surry from to-morrow.

No. 271. An engrossed bill concerning Guy D. French and William Chapman, was read a third time, and the question being put upon its passage, was determined in the negative.

On motion of Mr. GOODSON the vote thereupon was recorded as follows:

AYES—Messrs. Bayly, Cropper, Carpenter, Stuart, Myers of Berkeley, Hannah, Fox, Cardwell, Wilson, Crafford, Powell, Alderson, Howell, King, Guerrant, Erskine, Butts, Taylor of Halifax, Clark of Halifax, M'Rae, Wright, Tayloe of Lancaster and Richmond, Orgain, Taylor of Mathews and Middlesex, Massie, Allyn of Norfolk borough, Etheridge, May, Keen, Michaux, Venable, Roberts, Snyder, Leyburn, Shipman, Smith of Russell, Conn, Crutchfield and Spotts—39.

NOES—Messrs. Southall, Cabell, M'Cue, Burwell of Bedford, Mitchell, Hunter, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Thornburg, Whitworth, Roane, Wade of Franklin, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, Smith of Isle of Wight, Gregory, Worthington, Reynolds, Tayloe of King George, Lawson, Banks, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Watts, Yerby, Hiden, Aleshire, Hiner, Tunstall, Tallman, Carroll of Preston, Heath, Ratcliffe, Sturm, Robertson, Clarke of Surry, Prince, Stephenson, Goodson and Stanger—46.

Resolved, That said bill be rejected.

No. 274. An engrossed bill to increase the capital stock of the Little and Big Deep creek navigation company and for other purposes, was read a third time; thereupon the following ryder was submitted as an additional clause thereto:

Be it further enacted, That the further time of three years from and after the passage of this act, be, and is hereby allowed, within which to commence the turnpike road, authorized to be constructed, "from the plaster banks, in the county of Smyth, to intersect the road leading from Giles courthouse to Newbern, in the county of Montgomery, near Thomas Shannon's in Giles county," by the act, entitled "an act incorporating the Walker's creek turnpike company," passed April the third, eighteen hundred and thirty-eight.

The same was read twice, and the question being put upon ordering the same to be engrossed, was determined in the affirmative.

On motion of Mr. CROPPER the vote thereupon was recorded as follows:

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Ayes—Messrs. Carpenter, M'Cue, Stuart, Mitchell, Myers of Berkeley, Hannah, M'Millan, Thornburg, Burwell of Clarke and Warren, Wilson, Powell, Scott, Alderson, Payne, Howell, Byrd, King, Erskine, Gibson, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Worthington, Reynolds, Lawson, Ramey, Harrison, Wade of Montgomery and Pulaski, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Etheridge, Aleshire, Hiner, Tunstall, Keen, Tallman, Roberts, Sturm, Robertson, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Conn, Griever, Spotts, Stephenson, Goodson and Stanger—54.

Noes—Messrs. Bayly, Cropper, Southall, Cabell, Burwell of Bedford, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Flood, Toler, Fox, Cardwell, Cox, Broadus, Whitworth, Crafford, Roane, Hale, Wade of Franklin, Smith of Gloucester, Guerrant, Butts, Taylor of Halifax, Clark of Halifax, White, Smith of Isle of Wight, Gregory, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Lipscomb, Orgain, Banks, Clayton, Yerby, May, Michaux, Venable, Heath, Ratcliffe, Crutchfield, Fitzhugh, Clarke of Surry, Prince and Walker—47.

The said ryder was forthwith engrossed and read a third time, and the question being put upon the passage of the said bill and ryder, was determined in the negative.

On motion of Mr. Venable the vote thereupon was recorded as follows:

Ayes—Messrs. Bayly, Cropper, Southall, Cabell, Jackson of Braxton and Lewis, Haskins, Kyle, Flood, Fox, Broadus, Whitworth, Crafford, Roane, Smith of Gloucester, Butts, Taylor of Halifax, Clark of Halifax, Smith of Isle of Wight, Gregory, Wright, Tayloe of King George, Lipscomb, Orgain, Banks, Clayton, Yerby, May, Venable, Heath, Ratcliffe, Crutchfield, Fitzhugh, Prince and Walker—34.

Noes—Messrs. Carpenter, M'Cue, Stuart, Burwell of Bedford, Mitchell, Myers of Berkeley, Hannah, M'Millan, Thornburg, Cardwell, Burwell of Clarke and Warren, Wilson, Scott, Alderson, Payne, Howell, Hale, Wade of Franklin, King, Guerrant, Erskine, Allen of Hampshire, Seymour, Armstrong, M'Rae, Reynolds, Lawson, Ramey, Harrison, Wade of Montgomery and Pulaski, Massie, Allyn of Norfolk borough, Etheridge, Aleshire, Hiner, Tunstall, Keen, Tallman, Michaux, Sturm, Robertson, Snyder, Dorman, Shipman, Smith of Russell, Conn, Griever, Stephenson, Goodson and Stanger—50.

The following engrossed bills were read a third time and passed:

No. 278. A bill to authorize the personal representative of Adam Bowyer deceased to convey certain lands to Roger Gum.

No. 250. A bill incorporating the Washington academy of Amelia.

No. 251. A bill to incorporate the trustees of the Abingdon female academy.

No. 252. A bill authorizing Ebenézer Eliason, William P. Eliason, and Ebenezer Eliason, jr. to construct a toll-bridge across the Rapid Ann river near Barnett's ford.

No. 253. A bill to authorize the trustees of the town of Lexington to levy taxes for the improvement of the streets of said town. This title was amended so as to read "*an act concerning the town of Lexington and the Dragon Swamp canal.*"

No. 255. A bill authorizing an investment in lands in Missouri for the benefit of John H. Markle.

No. 258. A bill regulating notarial fees.

No. 261. A bill to grant the use of the public library to the clerks in the public offices.

No. 264. A bill empowering the governor to authorize the erection of an engine house on the southeast corner of the public square. This title was amended by adding thereto "*and concerning leases in the city of Richmond.*"

No. 265. A bill to change the place of holding a separate election in the county of Botetourt. This title was amended by adding thereto "*and one in the county of Harrison.*"

No 266. A bill to authorize a separate election at the tavern house of John Mastin in the county of Alleghany.

No. 267. A bill to authorize the auditor of public accounts to issue a warrant in favour of William D. Wren, administrator of Robert George deceased, in pursuance of a judgment of the circuit superior court of law and chancery for the county of Henrico and city of Richmond for revolutionary services.

No. 269. A bill concerning the government house.

No. 270. A bill concerning the taking of oysters in the counties of Mathews and Middlesex.

No. 276. A bill to incorporate the town of Jeffersonville in the county of Tazewell; and

No. 277. A bill amending the charter of the Abingdon academy.

No. 125. An engrossed bill to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company for the purpose of laying down iron rails, or a more permanent rail-plate superstructure on said road, was taken up on motion of Mr. Crutchfield; thereupon a clause by way of ryder was submitted by him, which was twice read and forthwith engrossed, and the said bill and ryder was passed, and the title amended on motion of Mr. May so as to read "*an act to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company, and for other purposes.*"

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

On motion of Mr. May, *Resolved by the general assembly*, That the executive be requested to cause to be de-

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livered to the clerks of the several county and corporation courts when the acts of the present session are distributed, one copy of the statutes at large, published since the last volume of Hening's statutes at large, to be kept in the said clerks' offices with the other statutes at large and for the same purposes.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 230. A bill concerning Edward Chapman was taken up on motion of Mr. LAWSON and read the first time, and the question being put upon reading it a second time, was determined in the negative.

Resolved, That said bill be rejected.

No. 121. A bill, entitled, "an act increasing the reward for apprehending runaways in certain cases and for other purposes," together with the amendments thereto proposed by the senate, was taken up on motion of Mr. WORTHINGTON, and the first amendment being amended on his motion,

On motion of Mr. MAY the house adjourned.

SATURDAY, MARCH 14, 1840.

A communication from the senate by their clerk:

IN SENATE, MARCH 13, 1840.

The senate have passed the bills, entitled,

"An act to authorize the librarian to deliver reports of the court of appeals to the judges."

"An act incorporating the Macon's mill and Cold Harbour turnpike company."

"An act concerning the public armory."

"An act incorporating the Clarksburg savings society."

"An act to extend the corporate limits of the town of Danville in the county of Pittsylvania."

"An act to amend the act, entitled 'an act to incorporate the Hanover and Henrico exploring and mining company.'"

"An act changing the time for holding the courts in the county of Roanoke."

"An act incorporating the trustees of the Blacksburg female academy."

"An act to authorize a separate election in each of the counties of Rappahannock, Halifax, Fairfax and Amherst."

"An act to change the time of holding the fall term of the circuit superior court of the county of Goochland, and to suspend the act changing the time of holding the circuit superior court of the county of Jefferson."

"An act to amend the charter of the Norfolk savings institution."

"An act to change the place of holding a separate election in the county of Augusta."

"An act incorporating the New Market and Buffalo springs turnpike company."

"An act incorporating the Roanoke circulating library company;" and

"An act incorporating the Salem and Bent mountain turnpike company."

They have also passed the bills, entitled,

"An act providing for the payment of slaves condemned to death or transportation."

"An act to provide for rebuilding the bridge on the Northwestern turnpike road across Elk creek in the county of Harrison."

"An act to authorize the sale of real estate of Elias Ely and of George Elliott deceased."

"An act concerning the draining of lands."

"An act incorporating the Mercer manufacturing company in the county of Loudoun."

"An act concerning Peter Kremer."

"An act to amend the act reducing into one the several acts concerning slaves, free negroes and mulattoes."

"An act to incorporate the Harrison county silk and agricultural society;" and

"An act concerning Edward H. Womwell," with amendments, in which they request the concurrence of the house of delegates.

The bill, entitled "an act concerning the draining of lands," with the amendments thereto proposed by the senate, was taken up, and on motion of Mr. SMITH *of Isle of Wight* the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

The said bill, entitled "an act to amend the act reducing into one the several acts concerning slaves, free negroes and mulattoes," with the said amendments proposed by the senate, was taken up, and on motion of Mr. MAY the farther consideration thereof was indefinitely postponed.

On motion of Mr. TAYLOE *of King George* the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cropper, Carpenter, Mitchell, Meredith, Kyle, Thornburg, Toler, Cole-

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man, Cardwell, Cox, Broadus, Wilson, Whitworth, Crafford, Scott, Byrd, Carroll of Grayson, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Ewing, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Wade of Montgomery and Pulaski, Myers of Morgan, Allyn of Norfolk borough, Hiden, Aleshire, Hiner, May, Carroll of Preston, Venable, Heath, Sturm, Snyder, Leyburn, Dorman, Shipman, Smith of Russell, Quillen, Conn, Griever, Clarke of Surry, Prince, Spotts, Stephenson, Goodson and Stanger—52.

Noes—Messrs. Bayly, Southall, M'Cue, Stuart, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, Haskins, Flood, Fox, Roane, Smith of Gloucester, Guerrant, Clark of Halifax, M'Rae, Gregory, Worthington, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Ramey, Watts, Etheridge, Yerby, Tunstall, Keen, Michaux and Robertson—29.

Resolved, That said bill be rejected.

The said amendments proposed by the senate to the other bills were severally agreed to, and the clerk was ordered to inform the senate thereof.

Mr. May according to order presented the following bill:

No. 282. A bill making provision for removing the senate chamber to the first story of the capitol.

Mr. Smith *of Isle of Wight* from the committee of propositions and grievances presented a report upon the petitions of I. A. Goddin and others; and of citizens of the county of Mercer for and against adding a part thereof to the county of Tazewell.

On motion of Mr. Smith *of Isle of Wight*, *Resolved*, That the committee of propositions and grievances be discharged from the further consideration of all matters and things to them referred, and upon which they have not acted.

On motions severally made, *Ordered*, That leave of absence from the service of this house, for the remainder of the session, be granted to Messrs. Worthington, Gregory, Wade of Montgomery and Pulaski, and Marshall from to-day; to Messrs. Hunter, Kennedy, and Etheridge from Monday, and to Messrs. Smith of Gloucester, and Roberts from Tuesday next.

On motion of Mr. Venable the committee on banks was discharged from the consideration of the memorial of the Exchange Bank of Virginia, and the same was laid upon the table.

On motion of Mr. Hannah leave was granted to withdraw the petitions of citizens of the county of Botetourt for a division of the county, and for leave to erect a dam across James river for the purpose of building a mill.

No. 90. An engrossed bill to amend the charter of the James river and Kanawha company was taken up on motion of Mr. Dorman; thereupon a clause by way of ryder thereto was submitted by him, which was twice read and forthwith engrossed, and the said bill and ryder was passed.

Ordered, That Mr. Dorman carry the same to the senate and request their concurrence.

On motion of Mr. Dorman, *Resolved by the general assembly*, That the superintendent of public buildings, under the direction of the executive, carefully examine, and cause to be removed from the attic story of the capitol, all combustible materials except books; and take such other precautions as may be necessary to guard and protect the same from fire.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. Tunstall the rule of the house was suspended, and the vote rejecting the bill

No. 230. Concerning Edward Chapman was reconsidered, and the said bill was read a second time; thereupon on motion of Mr. Gregory the farther consideration thereof was indefinitely postponed.

On motion of Mr. Gregory the vote thereupon was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Bayly, Cropper, Stuart, Myers of Berkeley, Jackson of Braxton and Lewis, Meredith, Haskins, Kyle, Toler, Fox, Cox, Wilson, Crafford, Hale, Smith of Gloucester, Guerrant, Butts, Allen of Hampshire, Seymour, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Gregory, Wright, Tayloe of King George, Fontaine, Harrison, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Allyn of Norfolk borough, Hiden, Aleshire, May, Michaux, Venable, Roberts, Heath, Sturm, Leyburn, Dorman, Quillen, Conn, Bare, Ridley, Crutchfield, Prince, Spotts, Stephenson, Goodson and Stanger—55.

Noes—Messrs. Southall, Carpenter, Cabell, M'Cue, Mitchell, Hunter, Hannah, Flood, Thornburg, Corbin, Coleman, Cardwell, Broadus, Whitworth, Scott, Payne, Howell, King, Carroll of Grayson, Erskine, Taylor of Halifax, Clark of Halifax, Worthington, Reynolds, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Myers of Morgan, Massie, Watts, Hiner, Tunstall, Keen, Ratcliffe, Robertson, Snyder, and Smith of Russell—38.

Resolved, That said bill be rejected.

The bill No. 14, entitled "an act reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth, and for collecting the public revenue," with the amendments thereto proposed by the senate, was taken up on motion of Mr. Stephenson.

The said amendments were read, and the first, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth amendments were severally disagreed to.

The second, third, sixteenth, seventeenth, eighteenth, nineteenth, twenty-ninth, thirty-second, thirty-

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fourth, thirty-fifth, thirty-seventh, thirty-eighth, thirty-ninth, forty-sixth, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth and fifty-ninth amendments were severally agreed to.

The twentieth amendment being under consideration, on motion of Mr. MAY the said bill and amendments were laid upon the table, and the said amendments were ordered to be printed.

No. 226. An engrossed bill to amend the several acts concerning the Portsmouth and Roanoke rail-road company, was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 280. A bill for the relief of Levi A. Blankenship, was read a second time and ordered to be engrossed.

No. 279. A bill transferring a sum of money standing to the credit of the old James river company to the public treasury, was read the first and second times and ordered to be engrossed.

No. 281. A bill establishing the town of Boothsville, in the county of Harrison, was also read the first and second times and ordered to be engrossed.

No. 121. The bill, entitled "an act increasing the reward for apprehending runaways in certain cases, and for other purposes," with the amendments thereto proposed by the senate, was taken up, and the first amendment as amended on yesterday was disagreed to, and the remaining amendments were agreed to, and the clerk was ordered to inform the senate thereof.

No. 282. A bill making provision for removing the senate chamber to the first story of the capitol, was read the first time, and on motion of Mr. CRUTCHFIELD the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

A motion was made by Mr. VENABLE that the house take up a bill,

No. 254. To authorize the banks of this commonwealth to issue notes of the denomination of one and two dollars, and the question being put thereupon, was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Cropper, Southall, Cabell, M'Cue, Stuart, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Fox, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Carroll of Grayson, Erskine, Allen of Hampshire, M'Rae, Gregory, Reynolds, Tayloe of King George, Beard, Ramey, Harrison, Massie, Etheridge, Yerby, May, Tunstall, Tallman, Venable, Robertson, Leyburn, Crutchfield, Fitzhugh, Stephenson and Walker—41.

NOES—Messrs. Gilmer, (speaker,) Carpenter, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Howell, King, Smith of Gloucester, Guerrant, Butts, Taylor of Halifax, Clark of Halifax, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Tayloe of Lancaster and Richmond, Lipscomb, Orgain, Banks, Clayton, Myers of Morgan, Aleshire, Hiner, Michaux, Carroll of Preston, Heath, Sturm, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever, Prince and Goodson—38.

The said bill was then read the first and second times, amended on motion of Mr. MAY, and as amended ordered to be engrossed.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Southall, Cabell, M'Cue, Stuart, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Carroll of Grayson, Erskine, M'Rae, Gregory, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Massie, Watts, Etheridge, Tunstall, Tallman, Michaux, Venable, Roberts, Leyburn, Crutchfield, Fitzhugh, Stephenson, Goodson and Walker—43.

NOES—Messrs. Gilmer, (speaker,) Carpenter, Jackson of Braxton and Lewis, Meredith, Haskins, Thornburg, Cox, Howell, King, Smith of Gloucester, Guerrant, Butts, Taylor of Halifax, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Fontaine, Ewing, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Evans, Myers of Morgan, Aleshire, Hiner, Carroll of Preston, Heath, Shipman, Smith of Russell, Quillen, Conn, Bare, Griever and Prince—38.

On motion of Mr. HUNTER the house adjourned.

MONDAY, MARCH 16, 1840.

A communication from the senate by their clerk:

IN SENATE, MARCH 14, 1840.

The senate recede from their second, sixth, thirteenth and seventeenth amendments to the bill, entitled, "an act to amend the several acts concerning the banks," to which the house of delegates disagreed. They insist on their ninth, tenth and sixteenth amendments to the said bill, to which the house of delegates disagreed; and have agreed to the amendment proposed by the house of delegates to their 14th amendment to the said bill.

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They have passed the bills, entitled,

"An act incorporating the Washington academy of Amelia."

"An act to amend the charter of the James river and Kanawha company."

"An act to authorize the personal representatives of Adam Bowyer deceased, to convey certain lands to Roger Gum."

"An act to amend the charter of the Abingdon academy;" and

"An act to incorporate the trustees of the Abingdon female academy."

They have also passed the bill, entitled,

"An act empowering the governor to authorize the erection of an engine house on the southeast corner of the public square, and concerning leases in the city of Richmond," with amendments, in which they request the concurrence of the house of delegates.

They have agreed to the resolution providing for distributing a portion of the statutes at large.

The said amendments proposed by the senate to the bill, entitled "an act empowering the governor to authorize the erection of an engine house on the southeast corner of the public square, and concerning leases in the city of Richmond," were read, and on motion of Mr. ROBERTSON disagreed to.

Ordered, That the clerk inform the senate thereof.

The said amendments to the bill, entitled "an act to amend the several acts concerning the banks," being read,

On motion of Mr. SOUTHALL, *Resolved*, That a free conference be requested with the senate upon their ninth, tenth and sixteenth amendments to the bill, entitled "an act concerning the banks," to which amendments the house of delegates disagreed, and on which the senate have insisted.

Ordered, That Mr. SOUTHALL carry the same to the senate and request their concurrence.

On motion of Mr. ALESHIRE the rule of the house was suspended, and the vote rejecting the bill,

No. 282, entitled "a bill making provision for removing the senate chamber to the first story of the capitol," was reconsidered; the said bill was read a second time, and on motion of Mr. CRUTCHFIELD was recommitted.

On motion of Mr. RATCLIFFE, *Resolved by the general assembly*, That the governor be authorized to purchase five hundred feet of engine hose, and fifty fire-buckets for the protection of the public property against fire, and that the said hose and buckets be placed under the care of the superintendent of public edifices.

Ordered, That Mr. RATCLIFFE communicate the same to the senate and request their concurrence.

No. 56. A bill providing for the arrest and detention of fugitives from justice from other states, was taken up on motion of Mr. HUNTER, read a second time, and ordered to be engrossed.

A motion was made by Mr. DORMAN to take up,

No. 62. An engrossed bill providing for the reissue of certificates of state stock due the Bank of Virginia, and the question being put thereupon was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the vote upon taking up the said bill was recorded as follows:

AYES—Messrs. Southall, Cabell, M'Cue, Lockridge, Burwell of Bedford, Myers of Berkeley, Hunter, Jackson of Braxton and Lewis, M'Millan, Kyle, Flood, Thornburg, Fox, Corbin, Broadus, Wilson, Whitworth, Crafford, Roane, Payne, Hale, Smith of Gloucester, Guerrant, Erskine, Clark of Halifax, Allen of Hampshire, Lee, Armstrong, M'Rae, Hamlett, Kennedy, Tayloe of Lancaster and Richmond, Beard, Ramey, Harrison, Orgain, Evans, Myers of Morgan, Allyn of Norfolk borough, Watts, Hiner, May, Keen, Venable, Robertson, Leyburn, Dorman, Shipman, Griever, Crutchfield, Fitzhugh, Spotts, Goodson and Walker—54.

NOES—Messrs. Meredith, Howell, King, Butts, Taylor of Halifax, Smith of Isle of Wight, Reynolds, Wright, Fontaine, Lipscomb, Banks, Clayton, Hiden, Aleshire, Michaux, Heath, Sturm, Conn, Bare, Prince, Stephenson and Stanger—22.

The said bill was then read a third time and passed.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Southall, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Myers of Berkeley, Hunter, M'Millan, Fox, Corbin, Broadus, Wilson, Whitworth, Crafford, Scott, Payne, Hale, Smith of Gloucester, Clark of Halifax, M'Rae, Hamlett, Kennedy, Reynolds, Beard, Ramey, Harrison, Orgain, Myers of Morgan, Allyn of Norfolk borough, Watts, Hiner, May, Keen, Venable, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield, Fitzhugh, Spotts and Stephenson—43.

NOES—Messrs. Bayly, Jackson of Braxton and Lewis, Meredith, Thornburg, Roane, Howell, King, Guerrant, Butts, Taylor of Halifax, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Tayloe of King George, Fontaine, Tayloe of Lancaster and Richmond, Lipscomb, Banks, Taylor of Mathews and Middlesex, Clayton, Hiden, Aleshire, Michaux, Heath, Ratcliffe, Sturm, Shipman, Conn, Bare, Prince, Goodson, Walker and Stanger—35.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. SOUTHALL presented the following report and correspondence, which on his motion was laid upon the table:

The joint committee appointed on the part of the two houses of the general assembly to announce to

Thomas W. Gilmer esq. his election to the office of governor or chief magistrate of the commonwealth of Virginia for three years from and after the 31st day of March 1840, have according to order discharged the duty assigned them, and herewith report the correspondence upon that subject, marked A. and B.

(A.)

RICHMOND, March 14, 1840.

To Thomas W. Gilmer, *Esq.*

SIR—It has been made our duty as a committee appointed jointly by the two houses of the general assembly to announce to you that you have been duly elected as governor or chief magistrate of the commonwealth of Virginia for three years from the 31st instant.

We take great pleasure in congratulating you on your elevation to this high and honourable trust, being satisfied that you will faithfully and diligently watch over and protect the rights and interests of the state, and that you will bring into the administration of its affairs a sincere devotion to the good old republican principles that have characterised the executive department of the government.

With due consideration, we are your most obedient servants,

CH. COCKE, *Chairman Committee of Senate.*
V. W. SOUTHALL, *Chairman Committee of House of Delegates.*

(B.)

March 14, 1840.

Gentlemen—I have received your communication of this date, announcing on behalf of the general assembly my election as chief magistrate of Virginia. I beg, gentlemen, that you will accept my acknowledgments for the favourable anticipations which you have so kindly expressed on this occasion, and that you will bear to the general assembly and to the people of our state the assurance of my entire devotion to their welfare. I shall be happy if an energetic application to the practical permanent interests of the whole commonwealth, and a filial reverence for its ancient fame, can render me in any respect worthy of a station which no man is at liberty either to seek or to decline.

I am, gentlemen, with every consideration of esteem, &c. your obedient servant,

THOMAS W. GILMER.

To Charles Cocke, *Esq. Chairman of the Committee on the part of the Senate, and*
V. W. Southall, *Esq. Chairman of the Committee of the House of Delegates.*

A motion was made by Mr. Ratcliffe that the house adopt the following resolution:

Resolved, That the member from *Washington* be excused from further service on this house from and after Tuesday the 17th instant.

A motion was made by Mr. Crutchfield to amend the same by inserting after the word "Washington" and *Messrs. Tunstall, Burwell of Bedford, Bayly and Watts.* Thereupon on motion of Mr. May the said resolution and amendment were laid upon the table.

No. 144. An engrossed bill increasing the tolls of the Petersburg rail-road company, was taken up and read a third time; thereupon a clause by way of ryder thereto was submitted by Mr. Smith *of Isle of Wight*, which was twice read and forthwith engrossed, and the question being put upon the passage of the said bill and ryder, was determined in the affirmative.

On motion of Mr. Venable the vote thereupon was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Bayly, Cropper, M'Cue, Stuart, Lockridge, Burwell of Bedford, Myers of Berkeley, Jackson of Braxton and Lewis, M'Millan, Fox, Broadus, Whitworth, Roane, Scott, Payne, Howell, Hale, Wade of Franklin, King, Smith of Gloucester, Guerrant, Allen of Hampshire, Lee, Armstrong, M'Rae, Smith of Isle of Wight, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Harrison, Orgain, Banks, Taylor of Mathews and Middlesex, Evans, Myers of Morgan, Allyn of Norfolk borough, Watts, Yerby, Hiden, Aleshire, Hiner, May, Carroll of Preston, Robertson, Leyburn, Shipman, Crutchfield, Spotts, Stephenson, Goodson and Walker—53.

Noes—Messrs. Southall, Cabell, Meredith, Flood, Thornburg, Coleman, Cardwell, Wilson, Crafford, Erskine, Butts, Taylor of Halifax, Clark of Halifax, Hamlett, Kennedy, Wright, Lipscomb, Clayton, Tunstall, Keen, Michaux, Venable, Heath, Sturm, Smith of Russell, Quillen, Griever, Fitzhugh, Prince and Stanger—30.

The title of the bill was amended on motion of Mr. May, and as amended agreed to as follows: "*An act increasing the tolls of the Petersburg, Greensville and Portsmouth and Roanoke rail-road companies.*"

Ordered, That Mr. May carry the same to the senate and request their concurrence.

Mr. Griever presented a petition of the citizens of the county of Smyth, praying a rescission of that part of a resolution relating to the northern terminus of the road from Marion to the plaster banks, which was ordered to be laid upon the table.

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Mr. CARDWELL from the committee on enrolled bills reported that they had examined sundry other such bills, and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination.

The following engrossed bills were read a third time and passed:

No. 254. A bill to authorize the banks of this commonwealth to issue notes of the denomination of one and two dollars.

No. 279. A bill transferring a sum of money standing to the credit of the old James river company to the public treasury.

No. 280. A bill for the relief of Levi A. Blankenship.

No. 281. A bill establishing the town of Boothsville, in the county of Harrison.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following report was read and laid upon the table:

The committee appointed to examine executive expenditures for the past fiscal year, have according to order performed that duty, and respectfully submit the following report:

They have examined, item by item, the various expenditures authorized by the executive department, and find them such as are usual and proper, and sustained by satisfactory vouchers.

The whole amount of the expenditure is - - - -	10,185 47
Amount of appropriation to civil contingent fund, by act of 5th April 1839, -	15,000 00
Leaving a balance of - - -	$4,814 53

LIST OF WARRANTS *drawn on the contingent fund for the year ending the first of October* 1839.

1838, Oct'r	2—John A. King, for lightwood for auditor's office, - - -	3 00
	4—Richard Mathews, for cleaning treasury and land offices, - -	15 00
	5—Banks Wade, for lightwood for executive, - - -	1 50
	Tobias Sampson, for cleaning public privy, - - -	6 00
	6—Joseph Danforth, for attendance of servant on public offices, - -	27 50
	William Gardner, for sweeping public parts of capitol, - -	12 50
	8—R. H. Jenkins, table cover for auditor's office, - - -	1 00
	10—John Warrock, sundry bound copies journal of senate, - -	24 00
	20—F. F. Mayo, books for treasury office, - - -	5 00
	23—Editors of Richmond Whig, advertising for executive, - -	5 12
	30—A. W. Nolting, quills for auditor's and treasury offices, - -	17 50
	G. Delarue, repairing screw-press for keeper of the seals, - -	5 00
Nov'r	3—William Charters, for a book press for treasury office, - -	25 00
	5—John Ford, for travelling to Spottsylvania and returning with a convict, -	15 50
	13—Jos. Danforth, for sundry contingent expenses for putting up coal &c. -	12 73
	21—Thompson & Newman, for sundry repairs public buildings, - -	15 20
	23—Editors Richmond Whig, advertising for executive, - -	6 00
	26—Banks Wade, lightwood for executive, - - -	1 50
	27—L. S. Beck & John Dewoney, services rendered and expenses incurred in arrest of fugitives, - - - - -	34 64
Dec'r	1—John S. Caldwell, for himself and guards for do. do. - -	85 07
	7—John Caphart and others for do. do. - - -	261 09
	10—Black Heath company, coal for executive, - - -	325 00
	19—Richard Mathews, putting away coal for treasury office, - -	2 00
	William Fields, making fires &c. for keeper of rolls, - -	10 00
	20—Banks Wade, lightwood for land and treasury offices, - -	6 00
	22—Blair Bolling, expenses incurred by him for commonwealth, - -	8 70
	27—Charles H. Hyde, coroner, holding inquest in penitentiary, - -	5 00
	29—John A. King, lightwood for public offices, - - -	4 50
1839, Jan'y	2—Jos. Jackson, for expenses incurred on a visit to Williamsburg to examine records William and Mary college, - - - -	12 00
	3—Richard D. Sanxay, stationary for public offices, - -	89 76
	4—C. W. M'Ginness, glazing at capitol &c. - - -	8 87
	Richard Mathews, cleaning land and treasury offices, - -	15 87
	5—Gay & Bentley, carpeting for hall of delegates &c. - -	392 70
	7—J. W. Randolph & Co., stationary for executive and register, - -	81 50
	8—J. M. Patton, for amount of draft on him for chairs furnished by George W. Donne for council chamber, - - - -	150 00

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1839, Jan'y	9—H. Probst, lime for armory,		3 16
	Blair Bolling, for making carpeting for delegates hall,		12 20
	T. Sampson, cleaning public privy,		6 00
	10—C. J. Richards & Co., coal scoops for executive,		13 00
	11—William Mitchell jr., repairing clock at armory,		5 00
	J. W. Randolph & Co., stationary for treasury office,		4 38
	12—W. D. Blair, stationary for auditor's office,		2 50
	Jos. Danforth, attendance of servant on public offices &c.		39 06
	18—Robert Nott, painting &c. done at the capitol,		114 50
	19—F. J. Barnes & Co., repairs to capitol &c.		87 30
	Samuel and John Freeman, for repairing walls of capitol,		40 00
	William Gardner, sweeping public parts of capitol,		12 50
	22—George Sharp, repairing grate in library,		7 75
	J. and S. Cosby & Co., commissions on sales convict slaves,		145 00
	23—Bailie and Gallaher, printing for land-office,		3 50
Feb'y	2—J. Hallowell, for brushes &c. for public offices,		6 70
	7—B. Bolling, curtains for committee room &c.		5 16
	13—B. W. Green, coal for public offices,		200 00
	18—F. Johnston, clerk circuit court of Roanoke, for copy of revised code and supplement for use of court,		14 50
	28—John Lester, freight from Washington for executive,		10 06
March	2—Jos. Danforth, putting away coal for land-office,		1 25
	4—William Booth, cushions for hall of delegates &c.		336 56
	6—John A. Eacho, going to Accomack for reprieved convict &c.		63 75
	7—Smith & Palmer, stationary for council of state,		11 00
	Thomas Gordon, going to Norfolk for reprieved convict &c.		40 40
	9—Fisher & Shelton, coal for general assembly,		36 00
	15—Elias Guy, reward for arrest of fugitive,		100 00
	B. Peyton, adjutant-general, expenses to and from Washington under order of executive,		49 76
	20—Joseph Levy, steel pens for public offices,		7 00
	25—J. A. King, lightwood for public offices,		15 00
	John Ford, going to Prince William for reprieved slaves &c.		35 01
	29—Ellis & Shell, sash-door &c. for treasury office,		16 00
	Thomas Gordon, going to Jefferson for reprieved slave &c.		65 00
April	2—T. C. Rice, cleaning and fixing stoves in capitol,		20 00
	5—Richard Mathews, cleaning treasury and land offices,		15 00
	10—Thomas E. Broughton, for executive's subscription to Norfolk Herald,		8 00
	11—Barton Smoot, going to Augusta for reprieved slave &c.		44 73
	13—Jos. Danforth, cleaning by servant public offices,		15 25
	15—W. W. Hanson, going to Mississippi and returning to Virginia with fugitive from justice,		432 50
	16—C. J. Richards & Co. shovel &c. for library room,		4 75
	Mountjoy & Lyon, repairs to portico of capitol,		15 00
	Christian Miller, reward for apprehending a fugitive,		100 00
	23—Jos. Danforth, cleaning library room &c.		23 14
	29—William Gardner, sweeping public parts of capitol,		12 50
	Hale & Hallock, executive's subscription to Journal of Commerce &c.		10 00
May	17—John Ford, going to Spottsylvania for reprieved slave &c.		18 25
	20—Shockoe manufacturing company, repairing armory pump,		5 00
	Ro. Hague &c., for conducting fugitives from Pennsylvania to jail of Ohio county,		41 28
	25—Richmond Compiler, for executive subscription,		16 00
	I. A. Goddin, repairs to public buildings &c.		41 36
	27—Steele & Thweat, executive subscription to Georgia Journal, from 1821 to 1839,		71 66
	29—James M. Coakley, expenses &c. in arrest and removal of a criminal from Ohio to Virginia,		150 00
	30—Bailie & Gallaher, printing for land office,		3 00
	31—J. W. Randolph & Co., stationery for land office,		29 75
June	8—Jessee Williams, repairing stone wall on public square,		38 50
	11—Thomas P. Butler, repairing roof of armory,		86 12
	12—Blair Bolling, for sundry articles purchased by him for public,		8 20

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1839, June	12—Thomas Gordon, going to Buckingham for reprieved slave, &c.,		26 06
	15—H. Gibson, clerk federal court, for a copy of speaker Robinson's account with William and Mary college,		1 44
	18—Gales & Seaton, for executive subscription to National Intelligencer,		10 00
	24—Thomas Gordon, going to Fredericksburg and Charles City for reprieved slaves, &c.,		25 25
	Thomas Gordon, carrying the laws to Charles City,		3 00
	Thomas Gordon and others, in advance for distributing laws,		570 00
	26—John Ford, going to Fredericksburg for reprieved slaves, &c.,		25 50
	29—James Gordon, conducting reprieved slaves from Fredericksburg to penitentiary,		15 00
July	2—Joseph Danforth, attendance of servant on public offices,		15 44
	Moses Lee, for cleaning public privy,		6 50
	5—Richard Mathews, cleaning public offices,		15 00
	9—Richard D. Sanxay, stationery for public offices,		283 26
	11—William Mitchell, jr., clock for guard house,		60 00
	J. W. Randolph & Co., stationery for public offices,		16 75
	12—James G. Watson, wheelbarrow for use at armory,		9 00
	13—Robert Ford, going to Loudoun for reprieved slave, &c.,		46 72
	16—H. B. Ford, for distributing the laws,		48 73
	Smith & Palmer, stationery for public offices,		40 50
	20—William Gardner, sweeping public parts of capitol,		12 50
	27—Thomas Ritchie, executive subscription to Richmond Enquirer,		10 00
Aug't	2—Fisher & Shelton, for coal for general assembly,		8 00
	Barton Smoot, distributing the laws,		144 54
	G. W. Munford, keeper of rolls, for copies sundry laws for public,		13 75
	3—Joseph Danforth, cleaning library room, &c.,		12 50
	Editors Richmond Whig, publishing for executive sundry proclamations, &c., &c.,		57 12
	5—Thomas Gordon, for distributing the laws,		126 27
	John Ford, " "		149 66
	10—William Hutchinson, " "		158 60
	John A. Eacho, " "		114 61
	12—John Caphart and others, going to New York for fugitives, &c.,		214 00
	John Caphart, arresting criminal in Princess Anne, &c.,		17 20
	17—John Warrock, sundry copies of journal of senate,		22 38
	28—Samuel Shepherd, public printer, for extra copies laws and journal of January session 1839, for library,		461 33
	30—S. & J. Freeman, platform for governor's well, &c.,		13 00
Sept'r	13—Blair & Rives, executive subscription to Globe,		20 00
	21—G. Delarue, repairing lock on treasury office,		1 12
			7,185 47

1838, Oct'r	1	Richard M'Rae, to pay postage for auditor public accounts,			200 00	
Dec'r	3	do.	do.	do.	200 00	
1839, May	3	do.	do.	do.	200 00	
June	1	do.	do.	do.	200 00	
July	1	do.	do.	do.	300 00	
Aug't	1	do.	do.	do.	200 00	
	28	do.	do.	do.	400 00	
Sept'r	30	do.	do.	do.	400 00	
						2,100 00
1838, Nov'r	13	Joseph Danforth, to pay postage for executive department,			100 00	
Dec'r	22	do.	do.	do.	100 00	
1839, Feb'y	6	do.	do.	do.	100 00	
	21	do.	do.	do.	100 00	
April	23	do.	do.	do.	100 00	
May	20	do.	do.	do.	100 00	
	30	do.	do.	do.	100 00	
June	22	do.	do.	do.	100 00	
Aug't	3	do.	do.	do.	100 00	
						900 00
						$ 10,185 47

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The following report was taken up on motion of Mr. M'Cue and agreed to:

The committee on the militia laws have, according to order, had under their consideration, the petition of sundry citizens of Augusta county, to them referred, praying that a new regiment may be created out of the 32d and 95th regiments, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected, the power to create new regiments, under the existing laws, being conferred on the executive.

The speaker laid before the house the following communication from the attorney general, which was read, and on motion of Mr. Dorman laid upon the table:

RICHMOND, March 14, 1840.

T. W. Gilmer, Esq. *Speaker of the House of Delegates.*

SIR—I have the honour through you to submit to the general assembly a statement of the causes of the commonwealth under my care.

Most respectfully, your obedient servant,

S. S. BAXTER, *Attorney General.*

A Statement of the Causes in which it is the duty of the Attorney General to represent the Commonwealth.

IN THE SUPERIOR COURT OF RICHMOND AND HENRICO.

IN CHANCERY.

Attorney General vs. *Cottle and Reynolds.*—At rules, process not executed on all the parties.

Same vs. *Riddle.*—Process not executed on all the parties.

Same vs. *Ricks.*—A suit to set aside a conveyance of real estate made by George Winston in fraud of the commonwealth. This case has been argued, and was for some time in the hands of the judge. It has recently been returned to the office to have new parties brought before the court.

Same vs. *Rhodes.*—Bernard, a defendant, is dead, and has no representative.

Same vs. *Irby.*—Process not served on all the parties.

Same vs. *Fisher.*—Lackland, one of the parties, is dead, and the cause has not yet been revived.

Same vs. *Haines.*—In this case many of the parties are dead, and their representatives unknown. One branch of the cause may be heard by defendants' consent.

Same vs. *Manning.*—A suit to set aside conveyances in fraud of the commonwealth. Some of the parties have died since the last report.

Same vs. *Nicholas.*—The account not yet taken.

Same vs. *Dryden.*—The account not yet taken.

Same vs. *Jones.*—Defendant is dead, and no representative known to me.

Same vs. *Preston.*—No change in the condition of this suit since the last report.

Same vs. *Cottle.*—No change since the last report.

Same vs. *Mitchell.*—The report in this cause not yet acted on.

Same vs. *Anderson.*—Issue not tried.

Same vs. *Rodgers.*—Some of the parties dead, and their representatives unknown. It may be tried as to the defendants before the court by their consent.

Same vs. *White.*—No report made.

Literary Fund vs. *Northwestern Bank.*—Ready for hearing.

Ambler vs. *Richardson.*—No change since the last report.

Shepard vs. *Tinsley.*—No change since last report.

George Rogers Clarke's administrator vs. *Commonwealth.*—At rules.

Board of Public Works vs. *Richmond Dock Company.*—Ready for hearing.

Attorney General vs. *Furer's administrator.*—At rules.

M'Nicol vs. *Attorney General and others.*—Ready for hearing.

Same vs. *Same.*—Ready for hearing.

Briggs vs. *Register of Land Office.*—At rules.

Harrison vs. *Governor.*—At rules.

Robinson vs. *Board of Public Works and Dock Company.*—Ready for hearing.

Bustin vs. *Commonwealth.*—Decided in favour of commonwealth.

Doggett vs. *Register.*—At rules.

Pennock's Trustees vs. *Commonwealth.*—Ready for hearing.

Pell vs. *Commonwealth.*—Recently instituted.

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ON THE COMMON LAW SIDE.

James Marshall's administrators vs. *Commonwealth.*—Appeal from the auditor's decision in a half pay case. Continued for appellant.
John Caruthers vs. *Commonwealth.*—Continued for appellant.
James Davis's administrator vs. *Commonwealth.*—Half pay case continued for appellant.
William Hudson's administrator vs. *Same.*—Same note.
Thomas Hungerford's administrator vs. *Same.*—Same note.
Abraham Shepard's administrator vs. *Same.*—Same note.
James Upshaw's administrator vs. *Same.*—Same note.
Samuel Cobbs's administrator vs. *Same.*—Same note.
Peter Minor's administrator vs. *Same.*—Same note.
Michael Bowyer's administrator vs. *Same.*—Same note.
Reuben Biscoe's administrator vs. *Same.*—Same note.
James Higgins's administrator vs. *Same.*—Same note.
Miles King's administrator vs. *Same.*—Same note.
John Mountjoy's administrator vs. *Same*—Same note.
Nathan Smith's administrator vs. *Same.*—Same note.
Chisholm's heirs vs. *Same.*—Ready for trial.
Sarah Cann's heirs vs. *Same*—Same note.
Scott's heirs vs. *Same*—Same note.
N. Currell vs. *Same*—Half pay case—continued for appellants.
Jessee Davis vs. *Same.*—Same note.
John M'Adams vs. *Same.*—Same note.
Benjamin Field vs. *Same.*—Ready for hearing.
Peyton's administrator vs. *Same.*—Decided against commonwealth.
Furrer's administrator vs. *Same.*—Ready for hearing.
Strother vs. *Commonwealth.*—Decided in favour of commonwealth.
Powell vs. *Commonwealth.*—Same note.
Nicholson's administrator vs. *Commonwealth.*—Decided against commonwealth.
Ray's heirs vs. *Register.*—An application for a mandamus to compel the register to issue a warrant for land bounty, decided against commonwealth.
Cox vs. *Commonwealth.*—Half pay case—ready for hearing.
George's administrator vs. *Commonwealth.*—Judgment against commonwealth.

IN THE COURT OF APPEALS.

RICHMOND.

Wilson and others vs. *Commonwealth.*—Appeal from the judgment of the general court *vs.* the sureties of J. Baker.
Same vs. *Same.*—Same note.
Commonwealth vs. *Wall's administrator.*—Appeal from a judgment of the superior court of Henrico in a half pay case.
Literary Fund vs. *Dawson's heirs.*—Decided in favour of the literary fund.
Auditor vs. *Saunderson and others.*—Appeal from a decree of the superior court of Henrico and Richmond.
Savage vs. *Register.*—An appeal from a judgment of the superior court of Henrico. Affirmed.
Commonwealth vs. Reese.—Appeal from a judgment of the superior court of Dinwiddie.

AT LEWISBURG.

Escheator of Cabell vs. *Cookus.*—Ready for hearing.
Literary Fund vs. *Waterford.*—Process not served.
Dickinson & Co. vs. *James River Company.*—An appeal from a judgment of Fayette circuit court in favour of the old James river company.
Sayre vs. *Northwestern Turnpike Company.*—Judgment affirmed.

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IN THE GENERAL COURT.

FISCAL CAUSES.

Burfoot, treasurer vs. *J. Baker's sureties.*—Four cases. Continued to await the causes in the court of appeals.
Auditor vs. *Hamilton.*—Continued.
Same vs. *Same.*—Continued.
Same vs. *Strickler.*—Judgment.
Same vs. *Fox.*—Judgment.
Same vs. *Hutchinson.*—Judgment.
Same vs. *Harcum.*—Judgment.

CRIMINAL CAUSES.

Commonwealth vs. *Piper.*—Adjourned case decided June 1839.
Same vs. *Wilson.*—Same note.
W. H. Page vs. *Commonwealth.*—Writ of error. Judgment reversed December 1839.
Same vs. *R. C. Gwatkins.*—Writ of error—reversed December 1839.
Earhart vs. *Commonwealth.*—Writ of error—affirmed December 1839.
Macle vs. *Same.*—Same note.
Fisher vs. *Same.*—Writ of error—granted December 1839.
Commonwealth vs. *Woodson.*—Adjourned case—decided December 1839.
Same vs. *Collins.*—Same note.
Same vs *Barrett.*—Same note.
The above I believe to be a correct list of the cases of the commonwealth under my charge.

S. S. BAXTER, *Attorney General.*

On motion of Mr. May the bill No. 14, entitled "an act reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth, and for collecting the public revenue," with the amendments thereto proposed by the senate, was ordered to be committed to a committee of Messrs. May, Stephenson, Dorman, Crutchfield, Hunter and Smith of Isle of Wight.

A message from the senate by Mr. Carter:

Mr. Speaker—The senate agree to the resolution for a free conference upon their amendments to the bill, entitled "an act to amend the several acts concerning the banks."

And they insist upon their amendments to the bill, entitled "an act for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands."

The speaker then announced the following as the committee of conference on the part of this house: Messrs. Southall, Robertson, May, Scott, Clark of Halifax, Stephenson, Venable and Crutchfield.

The said bill, entitled "an act for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands," with the amendments proposed by the senate being taken up, a motion was made by Mr. Goodson that the farther consideration thereof be indefinitely postponed, and the question being put thereupon was determined in the negative.

On motion of Mr. Goodson the vote thereupon was recorded as follows:

Ayes—Messrs. Gilmer, (speaker,) Southall, Carpenter, Jackson of Braxton and Lewis, Meredith, Thornburg, Toler, Hale, Allen of Hampshire, Armstrong, Smith of Isle of Wight, Lawson, Orgain, Clayton, Massie, Hiden, Aleshire, Hiner, Tunstall, Tallman, Carroll of Preston, Heath, Sturm, Quillen, Griever, Prince, Goodson and Stanger—28.

Noes—Messrs. Cropper, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Hunter, Kyle, Flood, Fox, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Scott, Howell, King, Smith of Gloucester, Guerrant, Erskine, Butts, Taylor of Halifax, Lee, M'Rae, Reynolds, Wright, Tayloe of King George, Tayloe of Lancaster and Richmond, Beard, Ramey, Lipscomb, Banks, Taylor of Mathews and Middlesex, Myers of Morgan, Allyn of Norfolk borough, Watts, Yerby, May, Keen, Michaux, Robertson, Shipman, Smith of Russell, Crutchfield, Fitzhugh, Spotts and Stephenson—51.

On motion of Mr. May the house receded from their disagreement to the said amendments of the senate, and agreed to the same, and the clerk was ordered to inform the senate thereof.

No. 56. An engrossed bill providing for the arrest and detention of fugitives from justice from other states, was read a third time and passed.

Ordered, That Mr. Hunter carry the same to the senate and request their concurrence.

On motion of Mr. M'Cue leave was given to withdraw the petition and remonstrance of citizens of the county of Augusta, relative to the formation of a new regiment in said county.

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On motion of Mr. STURM leave was granted to withdraw the petition of citizens of the county of Randolph, relative to the Staunton and Parkersburg road.

Mr. ERSKINE from the committee appointed to examine the bonds of public officers presented a report which is as follows:

The committee appointed to examine the bonds of public officers has discharged that duty, and submit the following report:

They have examined the bonds of the treasurer, auditor of public accounts, second auditor, superintendent of the penitentiary, storekeeper and general agent of the penitentiary, librarian and secretary of the commonwealth, register of the land-office and public printer, and find that they are all executed in the manner prescribed by law.

Ordered, That the same be laid upon the table.

On motion the speaker signed the following enrolled bills:

An act changing the time of holding the corporation court for the town of Winchester.

An act to authorize the court of Norfolk county to run the ferries of said county by an agent.

An act for the temporary relief of the banks of this commonwealth.

An act to revive the act incorporating the Huguenot coal mining and iron manufacturing company.

An act to authorize a separate election at Millford in the county of Harrison.

An act to incorporate the Dutoy and Powhatan coal companies.

An act changing the time of holding the circuit superior court of Randolph county.

An act to revive and amend the act incorporating the Madison manufacturing company.

An act to change the place of training of the officers of the 96th regiment of Virginia militia.

An act to incorporate the Clover Hill coal mining and iron manufacturing company.

An act concerning the estate of George E. Harrison, deceased.

An act to incorporate the Ligon coal mining company.

An act to authorize a separate election at the house of George Swhier, jr., in the county of Frederick.

An act to amend and explain the act, entitled, an act establishing the county of Pulaski of parts of the counties of Montgomery and Wythe.

An act to amend the act, entitled, an act declaring Greenbrier river a public highway.

An act to amend the act authorizing the sale of certain lands late the property of Cornelius Hopkins, deceased.

An act concerning the town of Laurenceville in the county of Brunswick.

An act to authorize two separate elections in the county of Loudoun and one in the county of Halifax.

An act changing the time of holding the circuit superior court of law and chancery for the county of Greenbrier.

An act concerning special courts of appeals.

An act to incorporate the Daniel's run and Hail's ford turnpike company.

An act concerning the killing of deer.

An act incorporating the Western insurance company.

An act concerning western land titles.

An act changing the name of the town of Sparta in the county of Rockingham.

An act to authorize a separate election at Floyd's store in the county of Tazewell.

An act concerning certain loans heretofore authorized for the Northwestern turnpike road.

An act changing the time of holding the fall term of the circuit superior court of Culpeper.

An act changing the time of holding the circuit superior court of Mecklenburg county.

An act incorporating the Winterpock rail-road company.

An act concerning attorneys' fees.

An act allowing further time to William Crump for the completion of a mill dam.

An act fixing the school quotas of the counties of Orange and Greene.

An act prescribing the punishment for attempting to poison, and for other purposes.

An act amending the charter of the Wheeling fire and marine insurance company.

An act changing the time of holding the circuit superior court of Jefferson county.

An act concerning the purchase of lands by the overseers of the poor.

An act to discontinue Hooe's ferry across the Potomac from his land to Cedar Point in Maryland.

An act changing the time of holding the second quarterly term of the county court of Warren.

An act concerning the reward for killing wolves in the counties of Loudoun and Fauquier.

An act to change the time of the meeting of the next general assembly.

An act concerning the erection of wharves.

An act changing the time of holding the circuit superior court of Amherst county.

An act to incorporate the Bradford coal mining company in the county of Goochland.

An act to change the place of holding a separate election in the county of Franklin.

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An act to establish a company of cavalry in the county of Halifax.

An act to incorporate the Exchange hotel company in the city of Richmond.

An act extending the act authorizing the drawing of a lottery in the town of Fredericksburg.

An act incorporating the Salem savings institution.

An act concerning the destruction of wild fowl in the counties of Accomack, Fairfax and Prince William.

Mr. MAY from the committee to whom was referred the bill, entitled "an act reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth and for collecting the public revenue," together with the senate's amendments thereto, reported that they had taken the same under consideration and recommended that the 20th, 21st, 22d, 23d, 24th, 26th, 28th, 30th, 31st, 40th, 49th, 51st, 52d and 60th amendments be agreed to, and that the 27th, 33d, 36th, 41st, 42d, 43d, 44th, 45th, 47th, 48th, 50th, 53d and 61st be disagreed to, and that the 25th amendment be agreed to with an amendment, which he reported to the house.

The house on questions severally put thereupon agreed to the several amendments proposed by the committee to be concurred in, and in like manner disagreed to those recommended to be disagreed to, and agreed to the said 25th amendment with the amendment recommended by the committee.

On motion of Mr. MAY the rule of the house was suspended, and the vote agreeing to the 46th amendment was reconsidered; thereupon the said amendment was disagreed to.

Ordered, That the clerk inform the senate of the action of the house on their several amendments to the said bill, and request their concurrence in the amendment to their twenty-fifth amendment.

On motion of Mr. PRINCE leave was granted to withdraw the petition of John H. Anderson presented to the last general assembly.

On motion of Mr. DORMAN, *Resolved*, That there be printed for the use of the members of the general assembly, so soon as the principal assessors shall have completed the same, two thousand copies of the tabular statement of the average value of the lands of the several counties of this commonwealth.

On motion of Mr. BAYLY leave of absence from the service of this house for the remainder of the session was granted to Mr. TAYLOR *of Mathews and Middlesex* from to-morrow.

Mr. SOUTHALL from the committee of conference presented the following report:

The committee appointed on the part of the house of delegates to confer with the committee on the part of the senate touching certain disagreements between the two houses concerning the act, entitled "an act to amend the several acts concerning the banks," have, according to order, conferred with the committee of the senate, and after such conference, as the result thereof, recommend to the house of delegates to recede from their disagreement to the 9th and 16th amendments of the senate, and recommend that the house of delegates recede from its disagreement to the 10th amendment of the senate, and agree to the same with an amendment.

The said bill and amendments were then taken up, and the house receded from their disagreement to the said ninth and sixteenth amendments, and agreed to the same, and receded from their disagreement to the said tenth amendment.

The amendment proposed by the committee of conference is the following: Strike out the ninth section from the bill, and insert:

"*Be it further enacted*, That in all cases in which executions shall be issued upon any judgment or decree obtained in any court within this commonwealth, unless the plaintiff or his attorney shall endorse on the said execution that the bank notes of the banks of this commonwealth may be received in discharge of the same, the defendants in such executions shall be entitled to execute and deliver to the sheriff, or deputy sheriff, as the case may be, a bond with one or more sufficient securities, in a penalty equal to twice the amount of the principal and interest due by said execution, payable to the plaintiff and conditioned for the payment of said principal and interest, with the interest thereafter accruing on the said principal money on the 1st day of April 1841; and upon the execution and delivery of the said bond, the sheriff shall return upon the said execution that he has taken the said bond in satisfaction of the same, and shall return the said bond with the said execution to the clerk's office of the court from which the said execution issued, subject to the order of the plaintiff, his executor, administrator or assigns, or his attorney.

"*And be it further enacted*, That when such bond becomes due, if the same be not paid, it shall be competent to the plaintiff, his or her executor or administrator or assigns, after ten days notice to the defendant or defendants, his or her or their executors or administrators, to obtain from the clerk of the said court an execution upon the said bond for the penalty thereof, to be discharged by the principal and interest due thereon, with costs, which costs shall be the same that are taxed upon motions on forthcoming bonds, exclusive of an attorney's fee, and upon such execution the clerk shall endorse that no security shall be taken thereon: *Provided, however*, That if the defendant in such motion shall make affidavit that the said bond has been paid off, or a portion of the amount due thereby has been paid, and the plaintiff will not allow such payment, it shall be the duty of the clerk to continue the said motion until the next term of his court, and place the same upon the docket of such court at the head of the said docket, to be decided by the said court. But no bank in this commonwealth shall be entitled to execute such bond: *And provided also*, That so much of any law as authorizes

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the recovery of any money or debt by motion against the banks of this commonwealth shall be and the same is hereby suspended until the rising of the next general assembly."

A motion was made by Mr. SMITH *of Isle of Wight* to amend the said amendment by striking therefrom the following proviso:

"*And provided also*, That so much of any law as authorizes the recovery of any money or debt by motion against the banks of this commonwealth shall be and the same is hereby suspended until the rising of the next general assembly."

And the question being put thereupon was determined in the negative.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Bayly, Carpenter, Jackson of Braxton and Lewis, Meredith, Thornburg, Cox, Howell, King, Guerrant, Butts, Allen of Hampshire, Lee, Armstrong, Smith of Isle of Wight, Wright, Lipscomb, Orgain, Banks, Taylor of Mathews and Middlesex, Clayton, Hiden, Aleshire, Carroll of Preston, Heath, Ratcliffe, Sturm, Shipman, Conn, Prince and Stanger—30.

NOES—Messrs. Gilmer, (speaker,) Cropper, Southall, Cabell, M'Cue, Stuart, Lockridge, Burwell of Bedford, Mitchell, Myers of Berkeley, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Scott, Payne, Wade of Franklin, Erskine, Clark of Halifax, M'Rae, Reynolds, Tayloe of King George, Tayloe of Lancaster and Richmond, Lawson, Beard, Ramey, Evans, Myers of Morgan, Massie, Allyn of Norfolk borough, Watts, Yerby, Hiner, May, Tunstall, Keen, Michaux, Venable, Robertson, Leyburn, Dorman, Smith of Russell, Crutchfield and Stephenson—52.

The question was then put upon agreeing to the amendment to the tenth amendment of the senate as recommended by the committee of conference, and was determined in the affirmative, and the said tenth amendment as amended was agreed to, and the clerk was ordered to inform the senate thereof and request their concurrence in the said amendment.

On motion of Mr. MAY the rule of the house which prohibited members from receiving their mileage for returning from the general assembly until the termination of the session without having first obtained leave of absence, was suspended for to-morrow.

On motion of Mr. KING a bill,

No. 53. Entitled, "a bill annexing a part of the county of Mercer to the county of Giles," was taken up and read a second time, and the same being under consideration,

On motion of Mr. ARMSTRONG the house adjourned.

TUESDAY, MARCH 17, 1840.

A communication from the senate by their clerk:

IN SENATE, MARCH 16, 1840.

The senate have passed the bills, entitled,

"An act to authorize a separate election at the tavern house of John Mastin, in the county of Alleghany."

"An act concerning the taking of oysters in the counties of Mathews and Middlesex."

"An act authorizing Ebenezer Eliason, William P. Eliason and Ebenezer Eliason jr., to construct a toll-bridge across the Rapid Ann river, near Barnett's ford."

"An act authorizing an investment in lands in Missouri for the benefit of John H. Markle."

"An act concerning the town of Lexington and the Dragon Swamp canal."

"An act to authorize the auditor of public accounts to issue a warrant in favour of William D. Wren, administrator of Robert George deceased, in pursuance of a judgment of the circuit superior court of law and chancery for the county of Henrico and city of Richmond, for revolutionary services."

"An act to incorporate the town of Jeffersonville, in the county of Tazewell."

"An act to increase the capital stock of the Little and Big creek navigation company and for other purposes."

"An act regulating notarial fees."

"An act to change the place of holding a separate election in the county of Botetourt, and one in the county of Harrison."

They have also passed the bills, entitled,

"An act appropriating the public revenue."

"An act to amend the several acts concerning the Portsmouth and Roanoke rail-road company."

"An act to establish the town of Dranesville, in the county of Fairfax;" and

"An act directing the suspension of surveys and subscriptions on the part of the state," with amendments, in which they request the concurrence of the house of delegates.

They insist on their first amendment to the bill, entitled "an act increasing the reward for apprehending runaways in cerain cases, and for other purposes," to which the house of delegates disagreed.

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And they agree to the resolution for the removal of combustible materials from the attic story of the capitol, with an amendment, in which they request the concurrence of the house of delegates.

The said amendments to the bill, entitled "an act appropriating the public revenue," being read, the first and second amendments were agreed to, and the third and fourth amendments were disagreed to.

The said amendments to the bills, entitled "an act to amend the several acts concerning the Portsmouth and Roanoke rail-road company," and "an act to establish the town of Dranesville, in the county of Fairfax," were severally agreed to.

The said amendments to the bill, entitled "an act directing the suspension of surveys and subscriptions on the part of the state," being read, the first amendment was amended on motion of Mr. MAY, and as amended agreed to, and the second amendment was also agreed to.

Ordered, That the clerk inform the senate of the action of the house upon their several amendments to the said bills, and request their concurrence in the said amendment to their first amendment to the last bill.

The said bill, entitled "an act increasing the reward for apprehending runaways in certain cases and for other purposes," with the said amendment of the senate, was on motion of Mr. KENNEDY ordered to be indefinitely postponed.

Resolved, That said bill be rejected.

The said resolution, with the amendment thereto proposed by the senate, was taken up, and the said amendment was amended on motion of Mr. CRUTCHFIELD, and as amended agreed to by the house, and Mr. TUNSTALL was ordered to inform the senate thereof and request their concurrence in the said amendment to their amendment.

Mr. CARDWELL from the committee on enrolled bills reported that they had examined sundry other bills, and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination.

No. 53. A bill annexing a part of the county of Mercer to the county of Giles, which was under consideration when the house adjourned on yesterday, was taken up, and on motion of Mr. YERBY the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

Mr. MAY reported, with a substitute, a bill, No. 282, making provision for removing the senate chamber to the first story of the capitol, which substitute being agreed to, and the said bill being farther amended, on motion of Mr. DORMAN the said bill as amended was ordered to be engrossed.

The said bill was forthwith engrossed, read a third time and passed.

Ordered, That Mr. CRUTCHFIELD carry the same to the senate and request their concurrence.

A further communication was received from the senate by their clerk:

IN SENATE, MARCH 17, 1840.

The senate have passed the bills, entitled,

"An act increasing the tolls of the Petersburg, Greensville, and Portsmouth and Roanoke rail-road companies."

"An act concerning the lien of judgments and limiting proceedings against special bail in certain cases;" and

"An act imposing taxes for the support of government," with amendments, in which they request the concurrence of the house of delegates.

The said bill, entitled "an act increasing the tolls of the Petersburg, Greensville, and Portsmouth and Roanoke rail-road companies," with the amendment thereto proposed by the senate, was taken up, and the said amendment being read, was agreed to, and the clerk was ordered to inform the senate thereof.

The said bill, entitled "an act concerning the lien of judgments and limiting proceedings against special bail in certain cases," with the amendments thereto proposed by the senate, was on motion of Mr. MAY ordered to be laid upon the table.

The said bill, entitled "an act imposing taxes for the support of government," with the said amendments proposed by the senate, was taken up, and the said amendments being read, were severally disagreed to.

Ordered, That Mr. TUNSTALL inform the senate thereof.

No. 272. A bill, entitled "an act providing for a temporary loan to meet the deficiency in the treasury," with the amendment thereto proposed by the senate, was taken up on motion of Mr. DORMAN, and the said amendment being amended on his motion, was as amended agreed to.

Ordered, That the clerk inform the senate thereof and request their concurrence in the said amendment.

On motion of Mr. MAY the house adjourned.

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WEDNESDAY, March 18, 1840.

A communication from the senate by their clerk:

IN SENATE, March 17, 1840.

The senate have passed the bills, entitled,

"An act allowing a reward for killing grey foxes in the county of Prince William."

"An act concerning the government house;" and

"An act transferring a sum of money standing to the credit of the old James river company to the public treasury."

They have also passed the bill, entitled,

"An act making provisions for removing the senate chamber to the first story of the capitol, and for other purposes," with amendments, in which they request the concurrence of the house of delegates.

They recede from their 3d and 4th amendments to the bill, entitled,

"An act appropriating the public revenue," to which the house of delegates disagreed.

And they agree to the amendment proposed by the house of delegates to their first amendment to the bill, entitled,

"An act directing the suspension of surveys and subscriptions on the part of the state."

They agree to the preamble and resolutions relative to the demand of the executive of Virginia upon the executive of the state of New York for the surrender of three fugitives from justice.

They also agree to the amendment proposed by the house of delegates to their amendment to the resolution for the removal of combustible materials from the attic story of the capitol.

And they have adopted a resolution requesting the house of delegates to appoint a committee of conference to meet a committee on the part of the senate to consider the matters of difference in relation to the amendments to the bill, entitled,

"An act to amend the several acts concerning the banks," in which they request the concurrence of the house of delegates.

And their committee appointed to examine enrolled bills, have examined sundry other such bills, which, being found truly enrolled, have been signed by their speaker, and are herewith returned to the house of delegates.

The said amendments being read, were agreed to, and the clerk was ordered to inform the senate thereof.

The said resolution of the senate is the following:

Resolved, That the house of delegates be requested to appoint a committee of conference to meet a committee on the part of the senate, to consider the matters of difference between the senate and house of delegates, in relation to the amendments to the bill, entitled "an act to amend the several acts concerning the banks."

And the question being put thereupon was determined in the affirmative.

Ordered, That Mr. Robertson inform the senate thereof.

Ordered, That the committee of conference on the part of this house consist of Messrs. Robertson, May, Scott, Clark of Halifax, Stephenson, Venable, Crutchfield, Dorman, M'Millan and Toler.

Mr. Robertson subsequently from the said committee presented a report, which on his motion was laid upon the table.

On motions severally made leave was granted to withdraw the petitions of James M'Clagherty and others; of Reese Browning; of Thomas C. Burwell and Octavius A. Harvey; of Charlotte F. Helm; and of Anabella Burr.

Mr. Cardwell from the committee appointed to examine enrolled bills reported that they had examined sundry other bills and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination.

A further communication was received from the senate by their clerk:

IN SENATE, March 18, 1840.

The senate agree to the amendment proposed by the house of delegates to their amendment to the bill, entitled,

"An act providing for a temporary loan to meet the deficiency in the treasury."

And their committee appointed to examine the enrolled bills, have examined sundry other such bills, which being found truly enrolled, have been signed by their speaker, and are herewith returned to the house of delegates.

On motion of Mr. May, *Ordered*, That leave be given to bring in a bill to revive the act to stay the proceedings on executions, trust deeds and other demands in cases of refusal to receive bank notes, and that Messrs. May, Robertson, Venable, Crutchfield and Toler prepare the same.

Mr. May subsequently presented the said bill, which was read the first and second times, amended on motion of Mr. Smith *of Isle of Wight*, and as amended ordered to be engrossed.

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The said bill was forthwith engrossed, read a third time and passed.

Ordered, That Mr. MAY carry the same to the senate and request their concurrence.

A further communication from the senate by their clerk:

IN SENATE, MARCH 18, 1840.

The senate have passed the bills, entitled,

"An act for the relief of Levi A. Blankenship."

"An act establishing the town of Boothsville in the county of Harrison."

"An act providing for the arrest and detention of fugitives from justice from other states."

"An act to revive the act to stay the proceedings on executions, trust deeds and other demands in cases of refusal to receive bank notes."

And they have agreed to the report of the committee of conference in relation to the matter of difference between the senate and house of delegates, as to the senate's tenth amendment to the bill, entitled,

"An act to amend the several acts concerning the banks."

The said amendment proposed by the senate in conformity to the recommendation of the committee of conference was read as follows:

And whereas the remedy by motion upon ten days notice against the banks of this state for failing to pay specie is cumulative merely and designed to operate upon the banks as culpable delinquents and not as delinquents in consequence of unlooked for exigencies: Therefore,

Be it further enacted, That the remedy against the banks of this state, by motion, upon ten days previous notice, shall be and is hereby suspended until the first day of January next, any thing in this or any other act to the contrary notwithstanding: *Provided however*, That this section shall not be construed so as to apply to any pending motion, or to any case in which a demand of payment has been heretofore made and refused.

And the question being put thereupon was determined in the affirmative.

On motion of Mr. SMITH *of Isle of Wight* the vote thereupon was recorded as follows:

AYES—Messrs. Gilmer, (speaker,) Cropper, Cabell, M'Cue, Stuart, Mitchell, Myers of Berkeley, Hunter, M'Millan, Kyle, Flood, Toler, Fox, Corbin, Coleman, Cardwell, Broadus, Wilson, Whitworth, Crafford, Roane, Payne, Hale, Erskine, Clark of Halifax, M'Rae, Hamlett, Reynolds, Beard, Ramey, Evans, Yerby, Hiner, May, Tunstall, Keen, Michaux, Robertson, Leyburn, Dorman, Smith of Russell, Griever, Crutchfield, Fitzhugh, Stephenson, Goodson and Walker—47.

NOES—Messrs. Meredith, Thornburg, Cox, Howell, King, Guerrant, Carroll of Grayson, Taylor of Halifax, Lee, Armstrong, Smith of Isle of Wight, Wright, Banks, Myers of Morgan, Aleshire, Carroll of Preston, Heath, Ratcliffe, Shipman, Quillen, Conn, Bare, Prince and Stanger—24.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. MAY, *Resolved*, That when this house adjourns to-morrow, it will with the consent of the senate adjourn *sine die*.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. ROBERTSON, *Resolved*, That when the house adjourns to-day, it will adjourn until to-morrow nine o'clock.

On motion of Mr. COLEMAN the house adjourned.

THURSDAY, MARCH 19, 1840.

A communication from the senate by their clerk:

IN SENATE, MARCH 18, 1840.

The senate have passed the bill, entitled,

"An act providing for the reissue of certificates of state stock due the Bank of Virginia."

They have also passed the bill, entitled,

"An act to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac railroad company and for other purposes," with amendments, in which they request the concurrence of the house of delegates.

They recede from their amendments to the bill, entitled,

"An act imposing taxes for the support of government," to which the house of delegates disagreed.

On motion of Mr. ROBERTSON the said bill and proposed amendments were ordered to be laid upon the table.

Mr. CARDWELL from the committee on enrolled bills reported that the said committee had examined sundry other such bills, and found them truly enrolled.

Ordered, That Mr. CARDWELL carry the same to the senate for further examination.

On motion of Mr. ROBERTSON, *Resolved by the general assembly*, That it shall be lawful for the judge of the superior court of law and chancery for the county of Henrico, to hold the sessions of his court indifferently in

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either of the place indicated in the act, entitled "an act making provisions for removing the senate chamber to the first story of the capitol and for other purposes," or in the present chamber occupied by the senate, except when the same shall be wanted for the use of the court of appeals, as to the said judge shall seem expedient.

Ordered, That Mr. ROBERTSON carry the same to the senate and request their concurrence.

On motion of Mr. STEPHENSON, *Ordered*, That leave be given to bring in a bill to amend the several acts concerning the Northwestern turnpike road, and that Messrs. Stephenson, Lee, Armstrong, Dorman, and Myers of Morgan prepare the same.

Mr. STEPHENSON subsequently presented the said bill, which was read the first and second times, and forthwith engrossed, and read a third time and passed.

Ordered, That Mr. STEPHENSON carry the same to the senate and request their concurrence.

A message from the senate by Mr. CARTER:

MR. SPEAKER—The senate agree to the resolution giving authority to the judge of the circuit superior court of Henrico to hold the sessions of said court in the present senate chamber under certain circumstances.

They have passed the bill, entitled "an act further to amend the several acts concerning the Northwestern turnpike road."

They agree also to the resolution for the adjournment of the house of delegates *sine die*.

And have adopted a resolution for the adjournment of the senate, in which they request the concurrence of the house of delegates.

The said resolution was read and agreed to as follows:

Resolved, That when the senate adjourns to-day, it will, with the consent of the house of delegates, adjourn until the first Tuesday in December next.

Ordered, That the clerk inform the senate thereof.

Mr. CARDWELL from the committee on enrolled bills reported that said committee had examined sundry other such bills, and found them truly enrolled.

Ordered, That Mr. CARDWELL carry the same to the senate for further examination.

On motion of Mr. WILSON, (Mr. DORMAN being in the chair,) *Resolved unanimously*, That the thanks of this house be presented to THOMAS W. GILMER, esq. for the faithful, diligent and impartial manner in which he has discharged the duties of speaker, during the present session.

Mr. CRUTCHFIELD presented the following report, which was read and concurred in:

The committee to whom was referred the letter of the clerk of this house, enclosing his accounts for disbursing the appropriation for repairs to the hall of the house of delegates, have examined said accounts, and found them properly supported by vouchers and regularly made under authority of law.

The bill, entitled, "an act to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company and for other purposes," with the amendments thereto proposed by the senate, was taken up on motion of Mr. CRUTCHFIELD.

The said amendments being read the first was agreed to, and the last was disagreed to, and Mr. CRUTCHFIELD was ordered to inform the senate thereof.

A further communication from the senate by their clerk:

IN SENATE, MARCH 19, 1840.

The senate recede from their second amendment to the bill, entitled,

"An act to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company and for other purposes," to which the house of delegates disagreed.

Mr. CARDWELL from the committee appointed to examine enrolled bills reported that the said committee had examined the last bill ordered to be enrolled, and found it truly enrolled.

Ordered, That he carry the same to the senate for further examination.

A further communication from the senate by their clerk:

IN SENATE, MARCH 19, 1840.

The committee of the senate appointed to examine the enrolled bills have examined all such bills that have been received from the house of delegates, which being found truly enrolled, have been signed by their speaker, and are herewith returned to the house of delegates.

On motion the speaker signed the following enrolled bills:

An act incorporating the Elizabeth and Parkersburg turnpike company.

An act incorporating the town of Triadelphia in the county of Ohio.

An act to incorporate the Western Virginia silk company.

An act to amend an act, entitled, an act incorporating the trustees of the Union academy of Campbell.

An act incorporating the trustees of the Concord female seminary.

An act to increase the stock of the Dover coal mining company and to grant them manufacturing privileges.

An act to amend the act, entitled, an act to incorporate the trustees of the Halifax academy.

An act to establish a company of light infantry in the city of Richmond and for other purposes.

An act to incorporate the Potomac and Alleghany coal and iron manufacturing company.

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An act incorporating the Hot springs company in the county of Bath.

An act to incorporate the Western Virginia silk company.

An act concerning the publication of deeds.

An act concerning the preservation of records.

An act making further provision for completing the eastern section of the road on the route surveyed from Huntersville to Parkersburg.

An act to increase and regulate the tolls on the Powhatan rail-road, and the Tuckahoe and James river rail-road.

An act incorporating the Patterson's creek turnpike company.

An act incorporating the Wellsburg Jefferson seminary.

An act to amend an act, entitled, an act declaring Simpson's creek a public highway.

An act incorporating the Lewisburg savings bank.

An act to prohibit betting upon elections.

An act concerning the duty of executors and administrators, and wills of personal estate.

An act amending the laws in relation to the course of descents.

An act incorporating the Princess Anne and Kempsville canal companies.

An act to amend the charter of the town of Winchester.

An act changing the manner of appointing an inspector of flour and indian meal in the town of Winchester.

An act to extend the act for the temporary relief of the banks of this commonwealth, passed December 11th, 1839.

An act concerning western land titles.

An act concerning flour barrels.

An act incorporating the trustees of Bethany college.

An act to amend an act passed February 13th, 1809, entitled, an act to incorporate a company to establish a turnpike from the town of Leesburg in Loudoun county to the Little river turnpike.

An act incorporating the Mercantile library association of Richmond.

An act amending and reducing into one act the several acts and parts of acts concerning the taxes on licenses to keepers of ordinaries and houses of private entertainment, to merchants, to vendue masters, to brokers, to venders of lottery tickets, to hawkers and pedlars, to exhibitors of public shows, on law process, on notarial seals, and certain other subjects.

An act providing for taking the sense of the citizens of King William county upon the removal of the seat of justice for said county.

An act to incorporate the Virginia axe company.

An act to repeal the act, entitled, an act concerning the Hampton academy.

An act to amend the act, entitled, an act incorporating the Buchanan and Salem turnpike company.

An act to amend the act, entitled, an act prescribing certain general regulations for the incorporation of turnpike companies.

An act incorporating the trustees of Richmond college.

An act incorporating the Dunlap's creek turnpike company.

An act fixing the site for the seat of justice for the county of Pulaski.

An act amending the act authorizing the county court of Monongalia county to raise money for certain purposes.

An act authorizing a ferry from the lands of Thomas and Ephraim Pollock in the county of Marshall across the Ohio river.

An act for the relief of Verlinda Perry.

An act to amend the several acts concerning ferries.

An act incorporating the Danville savings institution.

An act concerning Squire Sayre.

An act to authorize a separate election at Mangohick in the county of King William.

An act concerning executions and new trials in cases upon warrants.

An act providing for the erection of a steward's house, and for furnishing a supply of water for the Virginia military institute.

An act exempting firemen in the borough of Norfolk from serving on petit juries in civil cases.

An act incorporating the Preston rail-road, lumber and mining company.

An act concerning the securities of William B. Manning.

An act incorporating the Sweet springs and Salt Sulphur turnpike company.

An act concerning Thomas Beasley, a free man of colour.

An act to incorporate the Tazewell White Sulphur springs company.

An act concerning the water works of the city of Richmond.

An act releasing to Susan C. Bott the commonwealth's right to a lot in the town of Petersburg for a limited time.

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An act authorizing payment for certain alterations to the hall of the house of delegates and to the interior of the capitol.

An act authorizing the sergeant of Williamsburg to appoint a deputy, and empowering the common council of Richmond to elect a mayor in certain cases.

An act to incorporate the town of Point Pleasant in the county of Mason.

An act concerning William G. Hall.

An act to amend the act, entitled, an act incorporating the Buchanan, Fincastle and Blacksburg turnpike company.

An act to amend the several acts concerning the Holiday's Cove turnpike company.

An act to revive the act, entitled, an act incorporating the Sweet and Blue Sulphur springs turnpike company.

An act concerning the Newbern and Red Sulphur springs turnpike company.

An act to amend the act, entitled, an act to provide for the construction of a road from Ice's ferry on Cheat river to the Pennsylvania line.

An act appointing trustees for the town of New Market in the county of Shenandoah, and prescribing their powers and duties.

An act to authorize a ferry from the lands of William W. Wenner in the county of Loudoun, across the Potomac river.

An act to revive the act incorporating the Hyco falls manufacturing company.

An act to regulate the exercise of the right of suffrage in elections of trustees for the town of Portsmouth.

An act concerning the New Shenandoah company.

An act amending the charter of the Appomattox coal mining company.

An act to revive the act to incorporate the Stonewall iron manufacturing company.

An act to authorize two separate elections in the county of Prince George.

An act incorporating the Fallen creek manufacturing company.

An act to incorporate the Dupuy and Bryant coal mining company in the county of Powhatan.

An act to incorporate French's Hotel company in the borough of Norfolk.

An act to change the place of holding a separate election in the county of Nansemond.

An act providing for the payment to the Woodstock, Strasburg and New Market academies in the county of Shenandoah the proportion of the surplus literary fund allotted to those academies by the school commissioners of the county.

An act to incorporate the town of Williamsport in the county of Harrison.

An act authorizing Alexander H. Creel to establish a ferry across the Ohio river from his land at the mouth of Green's run in Wood county to the opposite shore.

An act authorizing the ballast master at Fredericksburg to appoint assistants.

An act to revive and amend the act, entitled, an act prescribing the mode of electing trustees for the town of Covington in the county of Alleghany and for other purposes.

An act to revive the act, entitled, an act authorizing John Whitaker to erect a toll-bridge across Peak creek in the county of Wythe, now Pulaski.

An act to authorize a separate election at the Buffalo springs in the county of Nelson.

An act incorporating the trustees of the Harrisonburg academy in the county of Rockingham.

An act concerning sales under decrees of courts and the fees of clerks, and dispensing with refunding bonds to executors and administrators in certain cases.

An act for the support and education of poor girls within this commonwealth.

An act to amend the act, entitled, an act to incorporate the Harris creek manufacturing company, passed February 1st, 1832.

An act to incorporate the Montpelier marble company in the county of Orange.

An act to amend an act, entitled, an act for the better organization of the militia.

An act authorizing the confession of judgments in the clerk's office and for other purposes.

An act to authorize the librarian to deliver reports of the court of appeals to the judges.

An act incorporating the Macon's mill and Cold Harbour turnpike company.

An act concerning the public armory.

An act incorporating the Clarksburg savings society.

An act to extend the corporate limits of the town of Danville, in the county of Pittsylvania.

An act to amend the act, entitled, an act to incorporate the Hanover and Henrico exploring and mining company.

An act changing the time for holding the courts in the county of Roanoke.

An act incorporating the trustees of the Blacksburg female academy.

An act to authorize a separate election in each of the counties of Rappahannock, Halifax, Fairfax and Amherst.

An act to change the time of holding the fall term of the circuit superior court of the county of Goochland, and to suspend the act changing the time of holding the circuit superior court of the county of Jefferson.

An act to amend the charter of the Norfolk savings institution.

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An act to change the place of holding a separate election in the county of Augusta.
An act incorporating the New Market and Buffalo springs turnpike company.
An act incorporating the Roanoke circulating library company.
An act incorporating the Salem and Bent mountain turnpike company.
An act providing for the payment of slaves condemned to death or transportation.
An act to authorize the sale of real estate of Elias Ely, and of George Elliott deceased.
An act incorporating the Mercer manufacturing company in the county of Loudoun.
An act concerning Peter Kremer.
An act to incorporate the Harrison county silk and agricultural society.
An act concerning Edward H. Womwell.
An act to amend the several acts concerning the Northwestern turnpike road.
An act to amend the charter of the James river and Kanawha company.
An act to incorporate the trustees of the Abingdon female academy.
An act to authorize the personal representatives of Adam Bowyer deceased, to convey certain lands to Roger Gum.
An act amending the charter of the Abingdon academy.
An act incorporating the Washington academy of Amelia.
An act for the relief of the heirs of John A. Trent deceased.
An act to authorize the auditor of public accounts to issue a warrant in favour of William D. Wren, administrator of Robert George deceased, in pursuance of a judgment of the circuit superior court of law and chancery for the county of Henrico and city of Richmond, for revolutionary services.
An act concerning the town of Lexington and the Dragon swamp canal.
An act authorizing Ebenezer Eliason, William P. Eliason and Ebenezer Eliason jr. to construct a toll-bridge across the Rapid Ann river near Barnett's ford.
An act authorizing an investment in lands in Missouri for the benefit of John H. Markle.
An act concerning the taking of oysters in the counties of Mathews and Middlesex.
An act to authorize a separate election at the tavern house of John Mastin, in the county of Alleghany.
An act to incorporate the town of Jeffersonville, in the county of Tazewell.
An act to increase the capital stock of the Little and Big Deep creek navigation company and for other purposes.
An act to change the place of holding a separate election in the county of Botetourt, and one in the county of Harrison.
An act regulating notarial fees.
An act to amend the several acts concerning the banks.
An act appropriating the public revenue.
An act to establish the town of Dranesville in the county of Fairfax.
An act to amend the several acts concerning the Portsmouth and Roanoke rail-road company.
An act concerning the government house.
An act allowing a reward for killing grey foxes in the county of Prince William.
An act transferring a sum of money, standing to the credit of the old James river company, to the public treasury.
An act directing the suspension of surveys and subscriptions on the part of the state.
An act increasing the tolls of the Petersburg, Greensville and Portsmouth and Roanoke rail-road companies.
An act making provisions for removing the senate chamber to the first story of the capitol, and for other purposes.
An act providing for a temporary loan to meet the deficiency in the treasury.
An act for the relief of Levi A. Blankenship.
An act to revive the act to stay proceedings on executions, trust deeds and other demands, in cases of refusal to receive bank notes.
An act establishing the town of Boothsville in the county of Harrison.
An act providing for the arrest and detention of fugitives of justice from other states.
An act providing for the reissue of certificates of state stock due the Bank of Virginia.
An act imposing taxes for the support of government.
An act further to amend the several acts concerning the Northwestern turnpike road.
An act to authorize an increase of the capital stock of the Richmond, Fredericksburg and Potomac rail-road company, and for other purposes.

On motion, *Ordered*, That Mr. CRUTCHFIELD inform the senate that the house of delegates having finished the business before them are now ready to adjourn *sine die*.

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A message from the senate by Mr. CARTER:

MR. SPEAKER—The senate have finished all the business before them and are now ready to adjourn until the first Tuesday in December next.

On motion of Mr. DORMAN the house then adjourned *sine die*.

ERRATA.

Journal, page 140—in the last report of the joint committee in the election of governor, for the words and figures "*for M'Dowell* 50," read "*for M'Dowell* 68."

194—at No. 152, strike out "*was on motion of* Mr. CRUTCHFIELD *ordered to be laid upon the table*," and insert "*was read a third time and passed.*"

LIST OF DELEGATES FOR THE SESSION OF 1839-40.

Accomack,	Thomas H. Bayly, Thomas T. Cropper.
Albemarle,	Valentine W. Southall, Thomas W. Gilmer.
Alleghany,	Samuel Carpenter.
Amelia,	Henry Wood.
Amherst,	Edward A. Cabell.
Augusta,	Franklin M'Cue, Gerard B. Stuart.
Bath,	William Lockridge.
Bedford,	William M. Burwell, Thomas P. Mitchell.
Berkeley,	Jacob Myers, Edmund P. Hunter.
Botetourt,	Joseph Hannah.
Braxton and Lewis,	Jacob J. Jackson.
Brooke,	John M'Millan.
Brunswick,	William Meredith, Creed Haskins.
Buckingham,	George W. Kyle, Thomas H. Flood.
Cabell,	Solomon Thornburg.
Campbell,	Richard H. Toler, Thomas Fox.
Caroline,	Robert B. Corbin.
Charles City & New Kent,	Clayton G. Coleman.
Charlotte,	Wyatt Cardwell.
Chesterfield,	James H. Cox.
Clarke and Warren,	Nathaniel Burwell.
Culpeper,	Edmund Broadus.
Cumberland,	Allen Wilson.
Dinwiddie,	Thomas Whitworth.
Elizabeth City and Warwick,	Carter Crafford.
Essex,	Lawrence Roane.
Fairfax,	John Powell.
Fauquier,	James K. Marshall, Robert E. Scott.
Fayette and Nicholas,	George Alderson.
Fluvanna,	Barrett G. Payne.
Floyd,	John Howell.
Franklin,	Samuel Hale, John Wade.
Frederick,	Robert L. Baker, Richard E. Byrd.
Giles and Mercer,	Charles King.
Gloucester,	Thomas Smith.
Goochland,	John Guerrant.
Grayson,	John Carroll.
Greenbrier,	Henry Erskine.
Greensville,	Augustine C. Butts.
Halifax,	Paul Taylor, William H. Clark.
Hampshire,	David Gibson, James Allen.
Hanover,	William L. White.
Hardy,	William Seymour.
Harrison,	George H. Lee, Edward J. Armstrong.
Henrico,	Sherwin M'Rae.
Henry,	William Hamlett.
Isle of Wight,	Arthur Smith.
James City, York & Williamsburg,	John M. Gregory.
Jefferson,	William C. Worthington, Anthony Kennedy.
Kanawha,	Van B. Reynolds.
King & Queen,	David P. Wright.
King George,	Edward T. Tayloe.
King William,	William S. Fontaine.
Lancaster & Richmond,	William H. Tayloe.
Lee,	Joshua Ewing.
Logan,	Anthony Lawson.
Loudoun,	Lewis Beard, Sanford J. Ramey, Henry T. Harrison.
Louisa,	Joseph Lipscomb.
Lunenburg,	John Orgain.
Madison,	Robert A. Banks.
Marshall,	*E. H. Caldwell.
Mathews & Middlesex,	John R. Taylor.
Mason & Jackson,	Nehemiah Smith.
Mecklenburg,	W. R. Baskerville, William O. Goode.
Monongalia,	John Clayton, James Evans.

* Mr. Caldwell was successful in his contest, and succeeded Mr. John Scott, and took his seat on the 10th January 1840.

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Monroe,	Augustus A. Chapman.
Montgomery & Pulaski,	William Wade.
Morgan,	Henry Myers.
Nansemond,	*William D. Hodges.
Nelson,	William Massie.
Norfolk Borough,	Joseph T. Allyn.
Norfolk County,	Samuel Watts,
	William Etheridge.
Northampton,	George T. Yerby.
Northumberland,	William B. Hudnall.
Nottoway,	William Fitzgerald.
Ohio,	William M'Connell.
Orange & Greene,	Joseph Hiden.
Page,	Jonas Aleshire.
Patrick,	John C. Staples.
Pendleton,	Harmon Hiner.
Petersburg,	John F. May.
Pittsylvania,	Whitmell P. Tunstall,
	John Keen.
Pocahontas,	Benjamin Tallman.
Powhatan,	Jacob Michaux.
Preston,	William Carroll.
Prince Edward,	Nathaniel E. Venable.
Princess Anne,	William Roberts.
Prince George,	Henry G. Heath.
Prince William,	Daniel Ratcliffe.
Randolph,	Henry Sturm.
Rappahannock,	William Walden.
Richmond City,	Wyndham Robertson.
Roanoke,	Henry Snider.
Rockbridge,	Alfred Leyburn,
	Charles P. Dorman.
Rockingham,	Edward H. Smith,
	James C. Shipman.
Russell,	Henry D. Smith.
Scott,	Charles Quillen.
Shenandoah,	Raphael M. Conn,
	Samuel Bare.
Smyth,	Hiram A. Griever.
Southampton,	Robert Ridley.
Spottsylvania,	Oscar M. Crutchfield.
Stafford,	Alexander Fitzhugh.
Surry,	James S. Clarke.
Sussex,	John I. Prince.
Tazewell,	James C. Spotts.
Tyler,	James M. Stephenson.
Washington,	Samuel E. Goodson.
Westmoreland,	William G. Walker.
Wood,	John J. Jackson.
Wythe & Pulaski,	John Stanger.

* Mr. Hodges died on the 26th of February.

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[DOC. No. 1.]

ANNUAL MESSAGE

OF THE

GOVERNOR OF THE COMMONWEALTH

AND

ACCOMPANYING DOCUMENTS.

EXECUTIVE DEPARTMENT, DECEMBER 2, 1839.

SIR,

Enclosed is a communication to the general assembly, which be pleased to lay before the house of delegates.

I am, very respectfully,

Your obedient servant,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF DELEGATES:

In the midst of some discouragements and disappointments we have strong motives for humble and earnest thankfulness to the beneficent dispenser of all good, for the abundance of the productions of the earth during the present year in every portion of our country, and the excellent health which the people of our own state have generally enjoyed.

Great difficulties have attended the efforts to negotiate the loans authorized by law; and it is not probable that within any short time hereafter the money necessary to complete the public works in progress can be procured by a resort to loans. So great are the discouragements to any new attempt to borrow on public account, and the rate of interest is so high, that the purpose of raising money in that mode must, for the present at least, be abandoned. Desirable as it is to finish the works of internal improvement that have been commenced, and to undertake others no less important, yet unauthorized, it has become necessary, I fear, not only to postpone the latter class, but also to suspend some of the former. In that event, as this interesting branch of public policy would be recurred to again as soon as a favourable change in the times would admit, it is the part of prudence to examine rigidly into the finances and to lay the foundations of an ample fund, not only to pay the interest of the state debt, but to extinguish the principal, and of any addition to it which the general assembly may hereafter authorize.

I regret exceedingly that it has become my duty to communicate to the general assembly another suspension of specie payments by the banks in almost every state in the Union, as it is understood, except New York

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and some of the states to the north of it. The suspension commenced with the banks of Philadelphia, and was soon followed by many others to the south and west as far as I have heard, including all the banks, as is believed, of this state, except those at Wheeling and a branch of the Bank of Virginia at Portsmouth. As soon as the report reached me, my attention without delay was directed to the acts regulating the banks of this state, to ascertain what measures, under such a state of things, might be required of the executive to be taken.

By the eighth section of the act establishing general regulations for the incorporation of banks, passed March 22, 1837, it is provided, "That the bills or notes of all banks hereafter chartered, originally made payable on demand, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to this commonwealth; but if any such bank shall at any time fail or refuse to redeem its notes in gold or silver coin, its bills or notes shall be no longer receivable as aforesaid; and the governor for the time being is hereby authorized and required, by proclamation, to declare the fact, and forthwith to prohibit the notes of said bank to be received in payment of any money due to the commonwealth; and if the said bank shall be one in which any portion of the public revenue shall be deposited, the governor shall cause the said deposites standing in the said bank to the credit of the commonwealth, or any of the public funds, to be removed therefrom to some specie paying bank, or to some other place of safety."

It will be perceived from this provision that on the happening of a certain contingency therein described, it is made the duty of the governor to do two things: first, to issue his proclamation declaring the fact of suspension, and prohibiting the notes of "said bank" (so suspending specie payments) from being received in payment of any money due to the commonwealth; secondly, to cause the deposites of the public revenue in "the said bank" to be removed therefrom to some specie paying bank, or to some other place of safety. Both of these acts are required to be performed by the governor on the happening of the contingency contemplated in the statute; for both, it will be seen, are placed by the terms of the law on precisely the same footing. The very grave and important character of the consequences to flow from either or both of them, whether regard be had to the ease and convenience of the people in meeting the public burthens, the safe-keeping and collection of the public revenue, or the general operations of the treasury in conducting the public finances and upholding the public credit—all these considerations made it incumbent on the executive to seek carefully the intentions of the legislature as to the nature of the contingency contemplated by them, and on which such important consequences were to depend. A diversity of opinion existing as to the true construction of the act of 1837 in this respect, I called on the attorney general for his opinion, which is herewith communicated to the general assembly. It will be seen that that officer stated, as the result of his reflections on the subject, and of a careful examination of the law, that he was strongly inclined to the opinion that "the law intended to provide for a case in which one or more banks had suspended specie payments, while others continued to pay specie;" and that the duties required of the governor were to be performed in case of a partial and not a general suspension of the banks.

The suspension which has taken place being almost a general one, including, it is understood, all the banks in the commonwealth, except those at Wheeling and the branch of the Bank of Virginia at Portsmouth, there could no longer be room for doubt as to the propriety of the executive refraining from any action on the occasion, if the opinion intimated by the law officer of the state be the true construction of the act of 1837. The least that could be said under the influence of so respectable an authority was, that it is at all events a case of doubtful construction: and the public convenience in all such cases being held a sound rule of interpretation, as furnishing the most probable clue to the intentions of the legislature, I could not but give very great weight in forming my own judgment on the subject to the obvious and distressing consequences to the public at large, which would result from prohibiting the receipt of bank notes, forming as they do the general and almost sole currency of the country at the present moment, and demanding specie alone in payment of the public dues. The consequence must have been either that that portion of the revenue which remained to be collected, probably one half, would not be collected *at all*, or if its collection were coerced by the stern process of the law, and that too within so short an interval before the period fixed for the entire payment of the revenue into the treasury, a ruinous sacrifice of property would have taken place, greater in all probability than has been witnessed at any time since the revolution. And to what end would these specie collections have been wrung from the people, at the cost of so great and distressing a sacrifice of property? According to the opinion of the attorney general, founded on the positive provisions of the law of 1829, regulating the mode of paying money into the treasury, *merely* that they should pass into the vaults of non-specie paying banks which would have given out paper only in return; for the banks, it must be remembered, are no more obliged to pay specie on the demands of the commonwealth and its creditors than on those of private individuals. All the distress of these specie exactions, then, would have been visited upon the people, without any countervailing advantage to the government or the commonwealth.

On turning to the other branch of the duty imposed on the governor by the act of 1837, in the contingency therein described, to wit, that of removing the deposits of the public revenue from the banks wherein they are placed by law to some specie paying bank or other place of safety, other, and if possible, still more serious difficulties presented themselves, which gave great additional weight to the opinion that the contingency described in the act could not have been intended to refer to a general suspension of specie payments by all the banks,

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or if it did, that the execution of the act in the state of things which had arisen was plainly impracticable. There being no specie paying bank in the state, if the public moneys were removed from the banks in which they are now deposited by law, they must have been removed to some place of safety other than a bank. But to have done that in the existing state of the law, would have produced a complete suspension of all the operations of the public treasury,—a consequence which could not be presumed to have been contemplated or intended by the legislature. As the law now stands, regulating the receipts and payments of the public moneys, no money can be received into the treasury but on certificates of payment first made into bank, given by the officers of the banks, which are constituted by law the depositories of the public revenue; nor can any money be paid out of the treasury but by checks drawn on those banks. The act of 1837, while it authorizes and requires the governor in a certain contingency to remove the public moneys from those banks, neither repeals the general provisions of the law above referred to, nor provides any new mode by which money may be received into or paid out of the treasury.

The whole of our existing legislation on that subject is comprehended in the act passed the 16th of February 1829, "prescribing the mode of paying the public moneys into and out of the treasury." By the first section of that act it is provided that "all moneys due and payable to the commonwealth, &c., shall be paid into the bank of Virginia or Farmers bank of Virginia in the manner hereinafter prescribed, *and not otherwise.*" The manner is then prescribed as follows:—The person "liable to pay" is first to obtain a warrant from the auditor of public accounts, or the second auditor, directing the treasurer to receive the money. The treasurer is then to make an order upon the warrant, directing the proper officer of one of the banks to receive the same. The certificate of the bank officer, that the money is paid, is brought to the treasurer, who then gives a receipt for the money. This receipt is carried to the auditor, and he gives a discharge. The second section enacts that if any person shall pay any public money whatsoever to the treasurer, otherwise than according to the provisions aforesaid, he shall remain liable therefor as if he had not paid it. The third section provides that all public moneys shall be kept in the banks aforesaid in the name of the treasurer of the commonwealth; and the fourth, that the treasurer shall have no authority to draw any money standing to his credit aforesaid in either bank, except by his check drawn on a warrant issued by one of the auditors.

This law, it will doubtless be recollected by the general assembly, was passed upon great deliberation, after experience had demonstrated the defectiveness and insecurity of former regulations on the subject, and was intended to introduce and establish an entirely new system in the receipt, safe-keeping and disbursement of the public moneys. It is emphatically the organic law of the public treasury in Virginia; and until repealed or modified by the legislature, the only competent authority, it must be regarded as a binding rule of action to the public officers and all others concerned.

This, then, being the existing state of the law, let it be supposed that it had been determined to remove the public moneys from the banks, under the eighth section of the act of 1837—where were they to be placed for safe-keeping and due administration? In the custody of the treasurer, as the legal and responsible fiscal officer of the commonwealth—would naturally occur as the answer. But the treasurer, it will be seen from his letter herewith submitted, accompanied by the opinion of the attorney general, whose advice he required, would not have considered himself at liberty to take possession of the public moneys in case of their removal, regarding his custody of them to be inhibited by the letter and spirit of the law of 1829, the leading object and policy of which were to place the public moneys out of the custody and beyond the control which that officer had formerly held over them. If any other place of deposit could have been found, the public moneys there would have been wholly without legal safeguard or protection; for the treasurer declares he "would consider them in that case" *out of the treasury.* How, too, could public money have been paid into or out of this new place of deposit, if such an one had been found and designated by the governor. The law of 1829, it has been seen, expressly prohibits the receipt of public money into the treasury except through the banks, and in like manner prevents any payment from being made by the treasurer, otherwise than by checks drawn on the banks. No other mode has been prescribed or authorized by law, and the executive could have prescribed none without an unwarranted assumption of legislative power. The removal of the public moneys from the banks, and the establishment of a new place of deposit by the governor in this state of things, must then have been entirely nugatory, or have involved, as a necessary consequence, a total stoppage in the operations of the treasury both as to receipts and disbursements.

These are some of the insuperable embarrassments which would have attended an attempt, in the present state of things, to execute the contingent authority given to the governor by the act of 1837. They brought my mind to the conclusion that a general suspension of specie payments by all the banks was not such a contingency as that act contemplated, or if it were, that the execution of its provisions was impracticable without a farther exercise of legislative authority. I have deemed it, therefore, most in harmony with the constitutional duties of the executive department, as well as most consistent with the intentions of the legislature and the general interest of the people and the commonwealth, to submit the whole matter, as I now do, to the general assembly, to be disposed of by them as they in their wisdom shall judge best for the common good.

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Your attention is again most respectfully invited to the subject of common schools. The incalculable importance of a judicious system of popular instruction to the best interests of society, will be my justification for pressing it upon you so often. In a former communication, I suggested that the plan of general education should embrace not only the instruction of the entire youth of the country, but a gradual increase of well qualified and experienced teachers. Further enquiries have led me to the conclusion that provision for qualifying teachers ought to precede the organization of schools. In some of the states, and in other countries where they have been engaged in establishing common schools, the greatest difficulty which they have had to encounter in the commencement has been in obtaining properly qualified teachers. And until the inducements to qualify themselves and the facilities for so doing, are greatly multiplied, it is not to be expected that they will be found among ourselves.

It is not to be questioned that the diffusion of sound education is of the last importance to the well being of society. Indeed, we are solemnly admonished that the safety of life and property in our country depends upon the proper training and educating of our youth. When man becomes the master of his own political destiny, it is not rational to suppose that he will give to it a proper direction without knowledge of the power committed to his keeping, and of the consequences that attend its abuse.

Should you not deem it advisable to do more at the present session, let me press upon you the necessity of making provision for the preparation of good teachers. I would also urge that a competent person be appointed to visit the different counties, examine into the actual condition of the schools in each and report to a future legislature the result of this examination. The general assembly would then be enabled to act with a full and correct knowledge of the condition of the schools and state of education in the commonwealth.

During the past summer, I had an opportunity of personally inspecting the Western lunatic asylum at Staunton, accompanied to the institution by the physician, whose untiring efforts to improve its usefulness are worthy of the highest commendation. I was gratified, in passing through all the buildings, to observe the order and neatness which pervaded the whole establishment, and the comfort of its inmates. I was especially gratified to learn the number of insane persons that had within the last year or two been cured and discharged, to return again to their homes, their families and friends. The very important intelligence was communicated that of twenty persons brought to the asylum since the report of 1838, afflicted with recent insanity, sixteen had been cured and discharged, two were rapidly recovering, and the other two were so much improved as to induce the hope that they also will recover; whilst of the cases of long standing, although many have been greatly meliorated, but few have been restored. In view of these facts it is to be regretted that our asylums are not sufficiently spacious to receive all of this unfortunate class, and that their friends do not convey them thither as soon as their malady becomes known. That is of the utmost importance, as it is the opinion of the best informed physicians on the subject that nine-tenths of all who may be afflicted with insanity might be cured if promptly attended to.

Since the adjournment of the last general assembly, I have received a communication from the governor of Maine, forwarding certain resolutions, adopted by the legislature of that state in relation to the public domain, which I now lay before you.

In my last annual message, I had occasion to state somewhat at large my views on this interesting and important subject. Subsequent reflection has but served to confirm them, and to induce me very earnestly to call your attention again to the magnitude and urgency of the considerations which belong to it. Reference to my former views will shew that my opinions are in some respects widely different from those entertained by the legislature of Maine, at least as to the best practicable mode of devoting the public lands to the common benefit of all the states.

That the public lands were acquired by purchase out of the common funds of the Union, or are by cession held as a common fund, may be readily conceded, and is indeed earnestly insisted on by me. I agree also that no better means can be perceived of applying them to the common benefit, so as to relieve each state from so much of its proportion of the common charge than the appropriation of their proceeds to the expenditures of the general government, if the states were in point of fact relieved thereby from taxation to an equivalent amount.

But notwithstanding the enormous increase of the proceeds of the sales of the public lands during the last five or six years, and the continually diminishing rate of impost, it has not been found that the aggregate amount of revenue from other sources than the public lands has been diminished, or that the states have been relieved from taxation to an amount equivalent, or any thing like equivalent, to those proceeds. On the contrary, the expenditures of the general government seem to keep pace with the increasing revenue, and even to go beyond it. The inevitable tendency of a superabundant revenue and an overflowing treasury seems to have been, as it is natural to suppose it always will be, to encourage and invite not only liberal but extravagantly prodigal and excessive expenditures. And there is always danger, in such circumstances, that the appropriations of public money may not only be poured out in too large and abundant currents, but may find vent through unaccustomed channels, making serious breaches in the barriers of the constitution.

So long as the income of the federal government arising from imposts cannot be kept within the limits of what is necessary for ordinary and legitimate expenditure upon an economical scale, to swell the amount by the

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addition of the proceeds of the sales of the public lands, instead of relieving the states from taxation, only leads to the appropriation of the revenue to local objects extremely partial in their benefits, doubtful in policy, and very often more than doubtful in respect of constitutional authority.

This is not mere theory and speculation, but historical experience, as lamentable as it is authentic.

Readily concurring in the sentiment that it is highly objectionable on grounds of expediency and power, to raise money by taxation *direct* or *indirect*, *merely* for the purpose of distributing it again among the states—yet whenever the proceeds of the sales of the public lands are not needed for the proper and necessary expenses of the general government, I cannot see how they can be so well applied to the common benefit of all the states as by distributing them among the states in some just and equitable proportion. And before making such distribution, I think justice demands that compensation be rendered to the old states for the liberal grants to the states in which the lands are situated, and a sufficient portion of the lands or their proceeds be fairly and fully applied to the extinguishment of the unsatisfied claims of the soldiers of the revolution, by whose patriotic toil and hardy valour the conquest of a large portion of them was achieved.

I cannot persuade myself that the proposition to confine the sales to actual settlers, and especially if the present *minimum* is to be made the *maximum* price for the public lands, can be regarded as consistent with sound policy or consonant with the rights of the parties in the contract by which the disposition of this property was entrusted to the congress of the United States. Such a system would, I respectfully submit, be productive of no good to counterbalance the serious mischiefs it would tend to produce. It might occasion an unnatural and artificial stimulus to emigration, and thus draw off from the Atlantic to the western states a large portion of that hardy "yeomanry," who are as much the pride and reliance of the country here as they would be there. It might increase with even greater rapidity than has yet been seen, the population of the new at the expense of that of the old states. It might depreciate the value of our lands in the southern states, and diminish the amount of our products. It might, by diminishing the supply of labour, increase its wages for a season so high that the northern manufacturer would, unless protected by a high tariff, abandon his pursuit, and then so far labour would get no wages because it could get no employment. This new system for disposing of the public lands might produce effects such as these, and would I think certainly tend to produce them; but surely they are not results such as a statesman, philanthropist, or republican can contemplate as desirable, and such as he ought to be willing to aid in accomplishing.

The common right of all the states to the benefit of the public lands as a fund which is the common property of the whole, can surely not be respected by selling their common property at an inadequate price; and it is not possible without a solecism to pretend that a partial, unequal and unjust disposition of them is avoided by selling them at such inadequate price, and at the same time excluding the citizens of at least two-thirds of all the states altogether from the opportunity of purchasing them.

It is wholly in conflict with my notions of national policy, justice and right, for congress to dispose of these lands by any system of laws which, while they sacrifice the property at a price much below its value, enhance the growth and prosperity of one portion of the states at the expense and to the manifest injury of the rest. I cannot but regard such system as being in violation of the sacred trust under which this property was confided to congress, and no better warranted by the terms or spirit of the acts of cession and the genius of our confederacy, than it would be for congress to cede the lands to the states in which they are situated, and at once and absolutely to recognize their exclusive right to the property and dominion of the public domain.

I have felt it to be my duty to state the reflections which have occurred to my mind in reference to the opinions declared by the legislature of Maine. I submit them to be judged and disposed of as you may deem most fit and proper.

A vacancy has occurred in the command of the second division of the militia by the resignation of major general William Madison, which I communicate in order that it may be filled. It becomes my painful duty also to inform you of the death of William Daniel, a judge of the general court, elected and assigned to the eighth circuit and fourth district of the superior courts of law and chancery. In his death the commonwealth has lost an able and faithful public officer, and society one of its most valuable members.

I transmit a communication from the adjutant general, accompanied by a return of the militia for the year 1839, and also lay before you the report of the visitors of "The Virginia Military Institute," lately organized at the arsenal near the town of Lexington in Rockbridge county under an act of the last session of the general assembly. You will be gratified to learn, as you will do from the report, that this school has commenced under the most favourable auspices as to its future usefulness, and that nothing is wanting to carry out the enlightened views of the legislature but a small additional appropriation.

I transmitted to the general assembly at its last session the proceedings of the legislature of Georgia in relation to an unsuccessful demand by the executive of that state upon the governor of the state of Maine for the surrender of certain persons charged with the crime of secretly and feloniously carrying away a slave from the state of Georgia.

Uninformed of the particular grounds on which the demand was disregarded by the executive of Maine, I supposed that the authority of the state of Georgia to make such a demand was of the most indisputable vali-

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dity. I thought also that the obligation of compliance, when all the preliminary forms were observed, was placed beyond controversy by the constitution of the United States. I ventured to indulge and express the hope and belief that upon these general propositions there could not be any division of opinion any where in the Union, resting, as I supposed they did, upon the plain terms and undeniable intent of the constitution.

I regret to have to communicate to you that in these confident expectations I find myself undeceived in a mode and from a quarter which dispels my confident belief that the interpretation of the constitution deemed by me so manifest would be acquiesced in, and makes it necessary for us to enquire whether any and what means we must resort to for the purpose of securing the enjoyment of those rights and that safety which the constitution was supposed to furnish. During my absence from the seat of government in the summer, a demand was made upon the governor of New York by the lieutenant governor of this commonwealth for the surrender of three persons charged by affidavit with having feloniously stolen and carried away from the state of Virginia a negro slave, the property of a citizen of the borough of Norfolk in this state.

These men (being found in the harbour of New York, with the negro alleged to have been stolen concealed in the hold of the vessel in which he was carried away from the port of Norfolk) were arrested for the purpose of awaiting the demand of the executive of this state for their surrender in the mode prescribed by the act of congress. The demand was made, and the governor of New York, waiving some technical objections of form which might have been easily obviated, refused to comply with the demand of the executive of this state upon the broad and undisguised denial of his obligation to deliver up any person charged with a felony or crime in stealing a slave.

I send herewith the correspondence between the executive of this state and that of New York upon the subject.

To remove all possible doubt of the principles on which the governor of New York has refused to perform what I regard, with all proper respect for his opinions, as a plain and manifest constitutional duty, I will quote from his letters to the lieutenant governor so much as is necessary to exhibit his conclusions.

He says: "Admitting the affidavit to be sufficient in form and substance to charge the defendants with the crime of stealing a negro slave from his master in the state of Virginia as defined by the laws of that state, yet in my opinion the offence is not within the meaning of the constitution of the United States."

The executive of New York then admits that the words employed in the constitution, "treason, felony or other crime,"—"are very comprehensive;"—"that citizens of the state on which the requisition is made are liable to be surrendered as well as citizens of the state making the demand;"—"that the executive upon whom the demand is made has no legal right to refuse compliance, if the offence charged is an act of 'treason, felony or other crime,' within the meaning of the constitution." He then expresses the opinion that it is not "competent for any state at its pleasure to declare an act to be treason, felony or crime, so as to bring it within the provisions of the constitution;" and that "the provision applies only to those acts which, if committed within the jurisdiction of the state in which the person accused is found, would be treasonable, felonious or criminal by the laws of that state."

After a train of reasoning in vindication of these novel and extraordinary positions, which I do not mean to notice farther than to express the opinion that it is wholly unsatisfactory and inconclusive, the governor of New York proceeds to say "that there is no law of the state of New York which recognizes slavery—no statute which admits that one man can be the property of another, or that one man can be stolen from another;" and that the common law which is in force in New York does not recognize slavery, nor make the act of which the parties are accused in this case either felonious or criminal. He therefore concludes "that the offence is not a felony, nor a crime within the meaning of the constitution;" and he refuses to surrender the persons charged.

I have thought it proper thus succinctly and in his own language to state the grounds on which the governor of New York has refused to comply with the demand made upon him, in order that the general assembly may clearly see the whole extent of the startling and dangerous doctrines broached by a high functionary to whom is entrusted the execution of one of the most salutary and conservative provisions of the constitution. The construction he has put upon the clause of the constitution containing this provision is one that cannot be acquiesced in or submitted to. If persisted in and acted upon by the northern states, it must disturb the harmony and amicable relations heretofore so happily existing between the states; and if maintained by only one single state, it must make that state a refuge for all the felons and criminals who flee from justice in any of the southern states, after committing *there* crimes the most destructive to their property, the most dangerous to their safety, and the most odious to their laws. If the governor of New York is right, he is bound not only to protect those who steal our slaves, but those who incite and assist them to abscond from their masters—those who by seditious speeches and writings stir them up to make rebellion or insurrection, or persuade them that they are illegally held in bondage, and may lawfully resort to all means necessary to rid themselves of its yoke.

Under the sanction of this new reading of the constitution, the incendiary abolitionists may send their missionaries and emissaries into the southern states, secure of protection and immunity if they can escape detection until they reach some state whose laws do not recognize slavery.

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Such an interpretation of the constitution is incompatible with the rights, and destructive of the safety of all the states holding slaves. None of the fanatic doctrines or disorganizing practices of the abolitionists are so well calculated to endanger the security of our property or to jeopardize the tranquillity and hazard the dissolution of the Union. It is impossible that the Union can continue long, if the opinion should be generally adopted by the states where there are no slaves, that our laws recognizing the existence of slavery and of property in slaves are not to be regarded in executing the provision of the constitution for the surrender of fugitives from justice.

If any confirmation were wanting of the proper interpretation of the constitution on this subject, it would be abundantly found in a reference to the known condition of the states of the Union in regard to the institution of slavery, at the time of the adoption of the constitution.

In more than one half certainly, and perhaps in nearly all the states at that time, and in the state of New York itself, the institution of slavery existed. The right of property in slaves was known by all to exist; and there is no question, in all the slaveholding states there were statutes punishing any interference with that recognized right of property, or with the master's authority and control over his slaves, full as severely as our laws now do. In this state, as early as 1753, our laws made the stealing a slave a capital felony. The parties to the constitutional compact entered into the Union with full knowledge of each other's domestic institutions in this respect, and formed this close and intimate union and made provision for their mutual security and protection in reference to these known existing institutions. When, therefore, in the same article and same section of the constitution, it was provided that fugitives from justice, and fugitive slaves should be delivered up, it is little less than absurd to suppose that while the slave was to be delivered up, the criminal who aided him to abscond was to be protected from punishment, and that although the felon who stole a yard of broadcloth might be demanded, and there was no legal right to refuse to surrender him, the felon who should steal or feloniously convey away a negro slave, was to be protected by any state in the Union into which he might flee.

I feel that I owe you an apology for addressing any thing in the way of argument to you for the purpose of exposing the unsoundness and fallacy of the construction assumed and acted on by the governor of New York.

It is very much to be deplored that when the excitement of the public mind in the south, justly caused by the unwarrantable assaults upon our institutions and our rights by organized societies in the states having no slaves was beginning to subside, the executive of so powerful and influential a state as New York should have adopted a construction of the constitution which has induced him to disregard one of its imperative requisitions upon grounds so well calculated to inspire the infatuated abolitionists with new hopes and fresh zeal in their unholy crusade against our property and our peace, and at the same time to assure them of immunity and protection from responsibility for the violation of our laws.

But this question has been raised in a practical form between this state and New York, and between Georgia and Maine. And it behoves us to meet it at once and to insist upon our rights at every hazard. It is the duty of congress to remove any ambiguity, if there be any, in the laws made to carry into effect the provisions of the constitution for the surrender of fugitives; and if there be no defect or ambiguity in those laws, to provide for the prompt and faithful execution of them by confiding the execution to those whose interpretation of their duty is consistent with our rights and the behests of the constitution. If redress for these wrongs and security against their repetition cannot be procured in either of those modes, it will behove the general assembly to consider whether their own legislative power will not furnish means of securing the state against such flagrant invasion of their rights, without infringing the restrictive provisions of the constitution of the United States. If there be no such means compatible with their obligations to the Union, it may ultimately become our *imperative and solemn duty* "to appeal from the cancelled obligations of the compact, to original rights and the law of self preservation."

In closing this my last annual message, I tender to the general assembly, and through them to the people of the commonwealth, my grateful acknowledgments for the indulgent manner in which all my public acts have been received; and to their judgment on them, whatever it may be, I submit with cheerfulness, feeling the assurance in my own breast that in whatever I have done, my aim has been to uphold the rights and promote the interest of our common country.

DAVID CAMPBELL.

Executive Department, December 2, 1839.

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DOCUMENTS

ACCOMPANYING THE GOVERNOR'S MESSAGE.

OPINIONS OF THE ATTORNEY GENERAL RELATIVE TO THE SUSPENSION OF THE BANKS.

The Governor to the Attorney General.

EXECUTIVE DEPARTMENT, RICHMOND, OCTOBER 18, 1839.

SIR,

The report that the banks had suspended specie payments has induced me to examine the act prescribing general regulations for the incorporation of banks passed March 22, 1837, with the view of ascertaining my duties in relation to them; and I have been unable to come to any satisfactory conclusion what kind of evidence I ought to have of their failure to redeem their notes in gold or silver coin, in order to justify me in issuing the proclamation described in the 8th section of the act. On this question I request your opinion, and on any other touching my duties under the act referred to, which may occur to you on examining it, as I apprehend there will be great difficulty in executing its provisions without serious detriment to the public interest.

With the highest regard,

I am your obedient servant,

DAVID CAMPBELL.

SIDNEY S. BAXTER, Esq.
Attorney General, Richmond.

The Attorney General to the Governor.

RICHMOND, OCTOBER 22, 1839.

SIR,

Your note of the 18th inst. was handed to me on Saturday the 19th. You ask my opinion on the evidence necessary for you to issue a proclamation required by the 8th section of the general banking law, and my opinion on any other question touching your duties that may occur to me on examining the law. On the same day I received from the treasurer a communication asking my opinion on his powers and duties if the proclamation was issued and the deposits ordered to be removed.

These two communications have induced me to give the 8th section of the general banking law a more careful examination than I had heretofore done. The result of this examination I will lay before you. The 8th section of the general banking law enacts that the bills or notes of all banks heretofore chartered, are generally made payable on demand, or which shall have become payable on demand in gold and silver coin, shall be receivable in all payments to this commonwealth: but if *any such bank* shall at any time fail or refuse to redeem its notes in gold and silver coin, its bills or notes shall be no longer receivable as aforesaid, and the governor for the time being is hereby authorized and required, by proclamation, to declare the fact, and forthwith to prohibit the notes of the said bank to be received in payment of any money due to the commonwealth;

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and if the said bank shall be one in which any portion of the public revenue shall be deposited, the governor shall cause the said deposits, standing in the said bank to the credit of the commonwealth, or any of the public funds, to be removed to some specie paying bank or to some other place of safety; "and the right is hereby reserved to the legislature to provide by law that the bills or notes *of said bank* shall not be receivable in payment to the state."

This section requires of the governor, in the event of any bank failing to pay specie, the discharge of two duties: 1st, To declare the fact by proclamation, and prohibit the receipt of its notes in payment to the commonwealth; 2nd, To remove the funds of the commonwealth to some other specie paying bank or some other place of safety.

These duties are placed on the same ground, and are both to be performed. No more power is given to dispense with the performance of one than the other. It becomes, then, in the outset of our enquiries, a serious question, whether, in the present supposed situation of the banks, the duties can be performed. The suspension of the banks in Virginia is general: all are in the same condition: none pay specie. If the duties can be performed in this situation of the banks, it will afford a conclusive argument for the opinion that the act requires the action of the governor in this crisis. If on the other hand, both duties cannot be performed in this situation of the banks, it affords a strong argument for the opinion that this is not the crisis contemplated by the act, and the force of the argument is increased if it appears that there is another crisis in which the duties required of the governor might be performed.

It becomes important to inquire whether the governor can execute these provisions in the present state of the banks. In this inquiry we must refer to the act of 1829, Sup. page 313, prescribing the mode of paying public moneys into and out of the treasury.

The 1st section of this act prescribes that all moneys due the commonwealth shall be paid into the Bank of Virginia or the Farmers bank of Virginia, *in the manner hereinafter prescribed, and not otherwise.* The mode prescribed is for the person paying the money to obtain from the auditor of public accounts, or the second auditor, a warrant directing the treasurer to receive the sum to be paid. On this warrant the treasurer writes his order to the cashier of the bank to receive the same. The receiving officer of the bank gives his certificate that the sum has been received. This is carried back to the treasurer, who gives a receipt for the money; and it is then taken to the auditor or second auditor, who gives the person paying his discharge.

The 2d section prohibits any sheriff, collector, or public officer or other person from paying any money to the commonwealth in any other way; makes the payment void; and subjects him to all the penalties and forfeitures incurred for non-payment.

The 3d section requires all moneys to be kept in the banks, in the name of the treasurer of the commonwealth.

The 4th section prohibits the treasurer from drawing any money standing to his credit on this account, except by his check drawn upon a warrant issued by the auditor or second auditor; and declares any payment made, except on such warrant, void.

This law is in full force, in no way repealed or modified. The public officers must be governed by its provisions; and in any step to be taken by the governor, he must regard this law as binding on all public officers and public debtors. The governor possesses no legislative powers. He cannot make, nor can he repeal laws. He cannot modify them to suit emergencies. No such power can be presumed to be given him by the legislature, because such gift would be unconstitutional. Let us see then how the act of 1829 affects the execution of the 8th section of the bank law in the present state of things. The deposits cannot be removed to any other specie paying bank, because there is none such. Can they be removed to a place of safety other than a bank? This might perhaps be done on the warrant of the auditor and second auditor, if a place of safety could be found. But as soon as it was done, all power to receive money and pay the debts of the commonwealth must cease. No collecting officer or public debtor could with the provisions of the act of 1829, pay money; and the treasurer could not receive it in any other place than a bank, nor could he pay it out. This removal would therefore amount to a complete suspension of all the receipts and payments of government. Now, I cannot think it was the intention of the legislature to compel a suspension of the receipts and payments of the government, because the banks had suspended specie payment. Yet this consequence is unavoidable, if the second duty required of the governor by the 8th section of the bank charter applies to the present state of things, and the law of 1829 is observed. Another construction of this section prevents this result from occurring, and gives to it its full operation consistently with the act of 1829. That construction is to consider the law as intended to provide for a case in which one or more banks had suspended, while others continued to pay specie. In this case the deposits might be removed to the specie paying bank, and the payments be made into that bank in its notes or in specie, and payments be made out to public creditors in conformity to the provisions of the act of 1829. I incline to the opinion that it was to such a state of things this act looked; and that the provision for removing the public funds was intended to be held out as a penalty on the bank stopping, and as a bounty to the bank continuing to pay specie. If so, the suspension of all the banks was a contingency not looked to or provided for when the charter was framed. This conclusion is to

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some extent fortified by the peculiar phraseology of this section,—"*If any such bank*," &c., "*said bank*," &c., *if said bank shall be one*, &c.

If the opinion above suggested in relation to the removal of the deposits be correct, it will aid in settling the question whether, in the present state of things, it is the duty of the governor to issue a proclamation.

If the deposits cannot be removed from the banks consistently with the law of 1829, what is the consequence of requiring the sheriff to collect in specie? Some serious questions may arise first, between the sheriffs and the commonwealth. The sheriff is a public collector, and by the law he is bound to receive the notes of specie paying banks in payment of taxes. His right to distrain for taxes commenced the 1st of July. His duty to collect commenced before. It is fair to presume he had received a large portion of his revenue before the suspension. The money thus received he holds as a part of the public revenue, to be paid into the treasury on or before the 15th December. It is in his hands as a public officer, and he is not in default for non-payment before the 15th December. Of course we cannot regard the money in his hands as a debt due from him, but as money received and held for the use of the commonwealth. Now, having by law been compelled to receive the notes of banks before suspension, I think he may pay over to the treasurer in bank notes all he received before the suspension. The commonwealth could not intend that the notes were received at the risk of the sheriff, because it has left him no right to reject them before the suspension. To force him by law to receive them, and then to refuse to take them because of an act of the bank in which he had no agency, would be manifestly unjust. But how is the treasurer to ascertain what portion of the revenue he had received before, and what after the suspension? Suppose this difficulty between the treasurer and the sheriff settled, and the revenue paid in, either in whole or in part in specie, still it goes into the vaults of the banks. Now, there is no provision in the law to compel the banks to pay its debt to the state in specie, when it does not so pay to other people. I mean, there is no discrimination in favour of the commonwealth. If the bank does not pay out specie to individuals, she does not pay out specie to the commonwealth. There are no peculiar means of forcing the payment of the demands of the commonwealth in specie. Nor are there any means provided in the charter for compelling the bank to pay out specie for specie received after the suspension. The result is, if the state pays its revenue in specie into the bank, that when called for, the banks pay out paper. No means of avoiding this result are provided in the charter. Could it then have been the intention of the legislature, in the case of a general suspension, to enforce the payment of its taxes in specie, when that payment may distress the tax-payer, but cannot benefit the government? On this ground I incline also to the opinion that this provision applies only to a partial suspension. In such a case, specie paying banks would be the depositories of the public funds, and they would pay out the specie. The taxes paid in specie would therefore benefit the government.

The result of my reflections on the subject is a strong impression that the duties required of the governor by the 8th section of the banking law are to be performed in case of a partial and not of a total suspension.

I make these suggestions in answer to the request of my opinion on any other point touching your duties. Should you consider it your duty to issue the proclamation, the question, what evidence must be required to authorize the issue? arises. I think, as to a portion of the banks, the notoriety of the fact of suspension would authorize the proclamation. A suspension cannot occur without many circumstances which bring a knowledge of the fact home to every man connected with public business. As your duty is to guard the public treasury from the receipt of the notes of a suspended bank, I think you would be justified in acting on that kind of information on which every person rejecting the notes of the bank would act. In your case it should be of the highest character. But if there is such an amount of evidence that it is impossible you can be mistaken, I should think that sufficient. If there be doubt, the proper mode would be to ascertain from the state directors in each bank, if that bank has suspended.

S. S. BAXTER, *Attorney General.*

To D. CAMPBELL, Esq. *Governor of Virginia.*

The Governor to the Treasurer.

EXECUTIVE DEPARTMENT, RICHMOND, OCTOBER 18, 1839.

SIR,

The act prescribing general regulations for the incorporation of banks, passed March 22, 1837, requires the governor to perform some important duties in the event that any of the banks shall fail or refuse to redeem their notes in gold or silver coin; and as I may have to issue the proclamation required in the 8th section of this act, and to remove the public moneys from the banks, I consider it important to the public interests that I should

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know the construction which you may give to some of its provisions. With this view I submit to you the following enquiries:

Should I issue the proclamation as required by the sections referred to, and remove the public moneys deposited in the banks to some place of safety other than banks, on the ground that there is no specie paying bank at the seat of government, would you, under the existing laws and regulations of your department, consider the funds thus removed in the treasury and subject to your drafts?

After such proclamation, in what manner would you receive the public revenue from the sheriffs? and would you feel yourself authorized to receive from them notes of the banks mentioned in the proclamation as having suspended payment, in discharge of the revenue or other dues of the commonwealth, although the sheriffs had received them previous to the date of the proclamation from the people in payment of taxes?

Should a sheriff offer you in payment such money as could be received, where would you direct it to be deposited?

Other difficulties might arise in the execution of your duties under the state of things which I have supposed. If any occur to you, please state them.

With the highest regard,

I am your ob't serv't,

DAVID CAMPBELL.

To the Treasurer.

The Treasurer to the Governor.

TREASURY OFFICE, October 26, 1839.

SIR,

Yours of the 18th was received on the morning of the 19th. The importance of the interests involved in the enquiries you make induced me to ask the aid of the attorney general in answering them. A copy of his opinion is enclosed.

1st. If the public moneys deposited in the banks be removed from the banks, I should consider them out of the treasury and beyond the reach of my check.

2d. After the proclamation, I should feel myself bound to receive the amounts collected by the sheriffs previous to the proclamation; and those receipts would be regulated by the act of 1829.

3d. If a sheriff or public debtor offers payment in such money as can be received, I should direct its payment into bank under the act of 1829.

Very respectfully,

Your ob't serv't,

L. BURFOOT, *Treas'r Com'th.*

To the Governor of Virginia.

The Attorney General to the Treasurer.

October 25, 1839.

SIR,

Yours of the 19th, enclosing a copy of the letter of the governor dated 18th, came to hand on the 19th.

The first question propounded to me for my advice is, if the governor issue the proclamation required by the 8th section of the general banking law, and remove the public moneys deposited in the banks to some place of safety other than the banks, on the ground that there is no specie paying bank at the seat of government, should you, under the existing laws and regulations of your department, consider the funds thus removed in the treasury and subject to your drafts?

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This is a question of great importance to the public, to yourself and your official securities. I have for several days given it all the reflection I could, and will now give you such an opinion as I can form on it.

The existing laws and regulations of your department will be found in the act of February 16th, 1829, prescribing the mode of paying public moneys into and out of the treasury. The first section of that act prescribes that all persons owing money to the commonwealth shall pay the same into the Bank of Virginia or the Farmers bank of Virginia in the manner prescribed and not otherwise. The manner prescribed is, first, to obtain a warrant from the auditor of public accounts, or the second auditor, directing the treasurer to receive the money to be paid. The treasurer is then to *make an order upon the warrant*, directing the proper officer of one of the banks to receive the same. The certificate of the bank officers that the money is paid, is brought to the treasurer, who then gives a receipt for the money, which receipt is carried to the auditor who gives a discharge.

The second section of the law prohibits a public officer or collector from paying in any other mode, makes a payment in any other mode void, and subjects the party making it to all the penalties and forfeitures imposed for non-payment of money.

The third section requires all the moneys of the commonwealth to be kept in the banks in the name of the treasurer of the commonwealth.

The fourth section prohibits the treasurer from drawing any money standing to the credit of his account as treasurer, except by check drawn on the warrant of the auditors. By subsequent laws, the right to keep the public money in other banks is given in certain contingencies, but no change is made in the provisions of this statute.

This statute regulates the power of the treasurer over the public money. He has no power of receiving, keeping or paying it, except in pursuance of its provisions. By the third section, the money can only be kept in the banks. The treasurer has no power to keep it any where else. He has no authority to take it into his own custody. This was the very thing that this law was enacted to prevent. The whole scheme of the law is to put the public money in a situation in which the treasurer cannot have access to it, even to pay the public debtors, without the previous act of the auditor. Now, how could the governor, consistently with this law, place the deposits in a place of safety other than the banks? That place of safety must either be in the custody of the treasurer or of some other person. Let us see what would be the effect of either act. The governor, to procure the removal, must issue his order to the auditor, who gives his warrant; and on that warrant the treasurer checks the money out of bank to the credit of the person who is to take the custody of it. Suppose the money is checked to the treasurer, with the intention of taking it into his own custody,—I am clearly of opinion that by issuing such check, the treasurer violates his duty as prescribed by this law, and at once renders himself and his sureties liable individually for the whole sum. This liability may be redeemed by payment of the money; but if any accident happens to it in his custody, he and his sureties must be responsible. By undertaking to violate this law, and contrary to its letter and spirit to take the moneys into his custody, he makes himself and sureties responsible for the whole amount which is thus unlawfully in his possession. No plea that accident prevented its being replaced could relieve them from this responsibility. This would be undoubted if there was no suspension of the banks. We must therefore enquire whether this 8th section of the bank charter does not repeal the act of 1829, as to authorize the treasurer to take the money into his custody on the order of the governor, in the event of a suspension of the banks. There is certainly no repeal by the express terms of the law. If there be a repeal, it must be by construction. The foundation for the construction must be an assumption that the legislature intended, in the contingency of a suspension, to vest in the governor the right to take the money into his control, and place it in the hands of the treasurer, either without any regulation of law, or regulated by such laws as he might for the time enact. This assumption must be the foundation of such a construction, because this statute is the only law now in force regulating the custody of the public money. If this law continues in force, notwithstanding the governor's proclamation that the banks have suspended specie payments, then the custody of the public money must be regulated by it, and there is an end of the question. If it does not continue in force, it is because, by the governor's proclamation announcing the fact of non-payment of specie by the banks, it is either repealed or suspended. Now, if it is either thus repealed or suspended, there is no law regulating the custody of the public money, unless the governor by implication have the power to pass such a law. Even if this law was directly repealed by express legislative enactment, the former laws regulating the custody of the public money would not be received without express words to that effect. Much less would the implied repeal of this law impliedly revive the former laws. Again, the governor could not enact any laws for the safe keeping or control of the public money in this crisis, because he has not legislative power.

I cannot believe that the intention of the 8th section of the bank law was to confer on the governor the power, by a proclamation announcing the non-payment of specie by the banks, to repeal or suspend the laws for the custody of the public money, and to place it in the custody of the treasurer, without authority or control of law. If this assumption fail, there is no foundation for supposing the act of 1829 to be repealed. And if it is still in force, as already said, the treasurer could not check the money out of bank into his own custody. Much less could he check it into the custody of any other person, who could not claim even the semblance of law for its custody.

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If, then, the governor should remove the public money deposited in the banks to some place of safety other than the banks, the treasurer could not aid in such removal, and as soon as it was made, he should consider the money out of the treasury, and refuse to have any thing to do with it.

Thv second question is, after such proclamation, in what manner would the treasurer receive the public revenue from the sheriffs? and would the treasurer be authorized to receive from the sheriff notes of the banks which had failed to redeem their notes in specie, if the sheriff had received them in collections prior to the proclamation? Could he receive such notes from other public debtors?

After the proclamation, the treasurer must receive the public revenue in the mode prescribed by the act of 1829. He has no power to receive it in any other way. Nor can he refuse to receive it at all. I have in an opinion given to the governor stated my reason for believing that the sheriffs have the right to pay in notes the sums they have received in notes before the proclamation. You have seen that opinion. I will say here I have seen no reason to change it. As to the other public debtors who are not public receivers, they must after the proclamation pay in specie.

The third question is, if a sheriff or public debtor offers in payment such money as can be received, where must the treasurer direct it to be deposited? and what must he do with it?

The treasurer must, under the act of 1829, direct the money to be deposited in bank, and check it out as the warrants of the auditors require.

S. S. BAXTER, *Attorney General.*

To the Treasurer of Virginia.

RESOLUTIONS OF MAINE ON THE PUBLIC LANDS.

STATE OF MAINE.

EXECUTIVE DEPARTMENT, Augusta, March 25, 1839.

SIR,

Agreeably to the direction of the legislature of this state, I herewith forward you a copy of certain resolutions adopted by that body in relation to the public domain.

With high respect, I am, sir,

Your obedient servant,

JOHN FAIRFIELD,
Gov. of Maine.

His Excellency the Governor of Virginia, Richmond.

STATE OF MAINE.

Resolve relating to the Public Domain.

Resolved, That the public lands having been acquired either by purchase out of the common funds of the Union, or by cession to be held as a common fund, belong to the states, not in severalty, but in their confederated capacity; and that the appropriation of the proceeds of the public lands to the support of the federal government, best effectuates their true purpose as a common fund, by relieving the states from an equivalent taxation.

Resolved, That the public domain having been wrested from the British crown by the toil and blood of our revolutionary patriots and soldiers, belongs as a just, honourable and equal inheritance to all their descendants, whether situated in the old or new states; and that while the people of Maine, however willing to consent to the cession of the public lands to the states in which they lie, upon just and equitable terms, can never recognize the exclusive right of those states to the property or dominion of the public domain, they at the same time repudiate and disavow any assumption of a title on the part of the original thirteen states to a partial division of the public lands, as unfounded, impracticable and injurious.

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Resolved, That the policy of confining the sale of the public lands to actual settlers, would be eminently republican in its tendencies, by checking the dangerous speculations of grasping monopolists, by preventing the formation of a landed aristocracy, by increasing the number of our independent yeomanry, who are at once the pride and reliance of the country, and by securing to honest and provident labour, for ages to come, the opportunity of acquiring upon easy terms the enjoyments and blessings of a freehold possession of the soil.

Resolved, That the governor be requested to forward a copy of these resolutions to each of our senators and representatives in congress, and also to each executive of the several states, for such disposition as they may consider proper.

In the House of Representatives, March 22, 1839. Read and passed.

H. HAMLIN, *Speaker.*

In Senate, March 22, 1839. Read and passed.

JOB PRINCE, *President.*

March 23, 1839. Approved.

JOHN FAIRFIELD.

ADJUTANT GENERAL'S REPORT.

ADJUTANT GENERAL'S OFFICE,
Richmond, 2d November 1839.

To his Excellency David Campbell,
Governor of Virginia.

SIR,

I have now the honour to lay before you the annual return of the strength of the militia of the state, and of the small arms, accoutrements, ordnance, &c., in their hands, as well as those stored in the arsenal at Lexington, for the present year, required of me by law.

I regret to add that the law passed at the last session of assembly, designed more effectually to secure timely and accurate returns to this office, has proved as ineffectual as previous ones, and rendering further legislation on that subject absolutely necessary.

I have the honour to be,

Most respectfully, sir,

Your obedient servant,

BERNARD PEYTON,
Adjutant General.

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ABSTRACT OF THE ANNUAL RETURN OF THE MILITIA

	Major Generals.	Brigadier Generals.	Adjutant, Inspector and Quarter-Master General.	Aids-de-Camp.	Division Inspectors.	Division Quarter-Masters.	Brigade Inspectors.	Brigade Quarter-Masters.	Colonels.	Lieutenant-Colonels.	Majors.	Adjutants.	Quarter-Masters.	Pay-Masters.	Chaplains.	Surgeons.	Surgeons' Mates.
General Staff,	5	22	1	23	5	5	17	19	-	-	-	-	-	-	-	-	-
Cavalry,	-	-	-	-	-	-	-	-	4	5	5	-	-	-	-	-	-
Artillery,	-	-	-	-	-	-	-	-	5	4	5	2	1	1	-	1	3
Grenadiers, Light Infantry, Riflemen, and Infantry of the Line,	-	-	-	-	-	-	-	-	142	145	138	150	149	145	2	145	136
Aggregate,	5	22	1	23	5	5	17	19	151	154	148	152	150	146	2	146	139

ARMS, ACCOUTREMENTS

	Ordnance and Ordnance Stores.																	Muskets.	Bayonets.	Cartridge Boxes and Belts.
	Brass.			Iron.																
	Four Pounders.	Six Pounders.	Total Brass Pieces.	Four Pounders.	Six Pounders.	Total Iron Pieces.	Total Brass and Iron Pieces.	Gun Carriages.	Sponges and Rammers.	Ladles and Worms.	Bricoles and Drag-Ropes.	Trail Handspikes.	Lead Aprons.	Ammunition Boxes.	Six Pounder Caissons.	Lint Stocks.	Sets of Harness.			
In the hands of the Militia,	2	3	5	3	24	27	32	14	14	5	16	11	4	16	8	7	4	5099	5324	4216
In the Lexington Arsenal,	-	1	1	-	1	1	2	-	1	1	-	-	-	-	-	-	-	29456	29350	370
Total,	2	4	6	3	25	28	34	14	15	6	16	11	4	16	8	7	4	35454	34624	4586

Adjutant General's Office,
Richmond, November 2d, 1839.

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OF THE STATE OF VIRGINIA FOR THE YEAR 1839.

Captains.	Lieutenants.	Sergeant Majors.	Quarter-Master Sergeants.	Musicians.	Buglers and Trumpeters.	Sergeants.	Corporals.	Privates.	Total Commissioned Officers.	Total Non-Commissioned Officers, Musicians and Privates.	Aggregate.	Number of Divisions.	Number of Brigades.	Number of Regiments.	Number of Troops of Cavalry.	Number of Companies of Artillery.	Number of Companies of Grenadiers.	Number of Companies of Light Infantry.	Number of Companies of Riflemen.	Number of Companies of Infantry of the Line.
-	-	-	-	-	-	-	-	-	97	-	97	5	22							
117	306	1	-	-	111	284	194	6905	529	7495	8024	-	-	5	120					
61	191	-	-	51	-	200	149	3986	274	4386	4660	-	-	5	-	65				
1028	2456	137	124	947	-	3060	1960	81548	4036	87776	92412	-	-	156	-	-	4	73	122	990
1206	3045	138	124	998	111	3544	2303	92439	5536	99657	105193	5	22	166	120	65	4	73	122	990

AND AMMUNITION.

Bayonet Scabbards and Belts.	Brushes and Picks.	Ball Screws and Worms.	Ball Cartridges.	Carbines.	Rifles.	Powder Horns and Flasks.	Pouches.	Bullet Moulds.	Wipers.	Screw Drivers.	Horseman's Pistols.	Holsters.	Cavalry Swords.	Cavalry Cartridge Boxes.	Artillery Swords.	Sword Scabbards and Belts.	Bugles and Trumpets.	Drums and Fifes.	Colours.
709	295	415	-	87	1055	429	-	502	416	196	1676	1290	1521	534	283	1066	71	553	159
-	-	1	1 box.	-	1309	-	-	239	57	2	84	111	114	77	54	-	-	2	1
709	295	416	1 box.	87	2364	429	-	741	473	198	1760	1401	1635	611	337	1066	71	555	160

BERNARD PEYTON,
Adjutant General.

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REPORT OF VISITORS OF THE VIRGINIA MILITARY INSTITUTE.

RICHMOND, NOVEMBER 21, 1839.

To his Excellency D. CAMPBELL, *Governor of Virginia.*

SIR,

The board of visitors of the Virginia military institute met at Lexington three times this year. The first meeting took place on the 30th day of May, the day appointed by your excellency; that session was employed in all the preliminary measures for the organization of the Institute, and more particularly in framing regulations for its government, one hundred and seventy printed copies of which are herewith transmitted.

On the 10th of September, the board assembled again for the purpose of making appointments of cadets.

And finally, on the 11th of November they put the Institute in operation and disbanded the guard.

Connexion with Washington College.—Terms of connexion and co-operation were agreed upon at the first meeting between the trustees of Washington college and the board of visitors of the Institute, which they respectively deemed calculated to secure harmony and the mutual benefits of both institutions. These articles have been inadvertently omitted in printing our own regulations. You will find them at the end of the printed laws and regulations of Washington college which accompany this report.

The trustees of Washington college, at that same time, passed a resolution appropriating "to the military professorship in the Virginia military institute, during the first year of its operations all the nett proceeds of interest which shall accrue during the year aforesaid, from that part of the Cincinnati fund which is not now in litigation." This will be an amount of about $320 for this year.

Officers.—One of the first measures of the board, and probably the most important, was the appointment of a principal professor. The salary of the office was fixed at $1500 per annum. The board deemed it, besides, indispensable that as commander of the post and cadets he should be distinguished by a military title. That of *major* was judged to be the most appropriate and is given to him by our regulations. The board of visitors on this subject, would respectfully suggest the expediency of having his rank confirmed by law. Circumstances may occur when the services of the corps of cadets may be called for, and duties may devolve upon their commander in connexion with other troops, which could not be executed without his being a recognized officer with a well defined rank.

Mr. FRANCIS H. SMITH, a gentleman eminently qualified for the office has been appointed.

The appointment of an assistant professor was also made for the first scholastic year: he is to be professor of modern languages, with a salary of $700 per annum, and is also to supply temporarily the place of the principal professor, in cases of absence or any disability.

The board have elected to this office, JOHN T. L. PRESTON, Esq., one of their body, who in consequence handed in his resignation, which is herewith transmitted.

The other appointments made by the board are:

Dr. HARRY M. ESTILL, as surgeon with a salary, at present, of $50 per annum, for his attendance on the regular cadets, and $5 for each of the others.

HUGH BARCLAY, Esq., treasurer, a gratuitous office.

ROBERT S. CAMPBELL, steward, who boards the cadets, at the rate of $78 each per annum.

Cadets.—Upon a careful estimate of expenses and means, the board found that they could not admit more than the minimum of twenty regular cadets fixed by law, burthened as their funds are at present with the cost of the buildings, and even this number could not be accommodated if all their expenses were borne by the Institute. They will have to supply themselves with clothing.

It would certainly have been desirable to have admitted 32 regular cadets, being one from each senatorial district; but the following bill of expenses shews it to be impracticable:

Estimate of Expenses of thirty-two Regular Cadets.

Board at $78 per annum, - - - -	2,496	
Books, instruments and stationary at $12, - - -	384	
Fuel and candles, - - - - -	320	
Washing at $12, - - - - -	384	
Bed and bedding, - - - - -	160	
Tuition fees at Washington college, - - -	320	
		4,064

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Brought forward,	4,064
Emoluments of principal professor,	1,500
Assistant to do.	1,000
Teacher of drawing,	800
Fencing master,	600
Surgeon, medicine and attendance,	150
Two musicians,	300
Two servants,	250
Repairs of buildings, arms, &c.	400
Powder, balls, &c. for infantry and artillery practice,	350
Contingencies,	500
	$9,914

very nearly $10,000 per annum.

This is the annual amount which would be necessary to secure the benefits of the institution to one regular cadet out of each district, which the law probably contemplated. And, indeed, this number would appear eligible also to keep at all times a suitable guard on foot without burdening the young men with duty to an extent that might so much interfere with their studies as to almost annul the advantages they are intended to derive from the Institute.

The board being compelled to limit the regular appointments to twenty cadets, made their selection from a numerous list of well recommended applicants, in due proportion with the population of each of the four great constitutional divisions of the state; 13 others paying their expenses were also chosen, as far as practicable, with the same apportionment; making in all 33 cadets of both classes, being one more than the number which can at present be accommodated in the barracks. Several candidates were also selected in September out of each division to supply vacancies.

At the November meeting, 28 cadets appeared, viz: the 20 regular cadets and 8 of the other class, who were all examined and admitted, after having each signed the required pledge contained in the regulations. Six new appointments were made at the same time, to fill up the place of those who failed to report themselves.

The young men who relieved the former guard took their post with cheerfulness; and although in the midst of a snow storm, performed their new duties with alacrity and a degree of order that exceeded the anticipations of the board, and were highly gratifying to all. Indeed, it would hardly have been possible to have selected an equal number of young men of as good appearance and propriety of behaviour. They promise fair to do credit to the Institute, and justify the most sanguine expectations of its friends. Their names are as follow:

REGULAR CADETS.

Below Tide Water.

William Forbes,	City of Richmond.	John T. Smith,	Norfolk.
Lewis A. Garnett,	King and Queen.	James H. Lawrence,	Caroline.

Between Tide Water and the Blue Ridge.

William D. Fair,	Amherst.	Charles Crump,	Powhatan.
John B. Strange,	Fluvanna.	Oscar M. Knight,	Nottoway.
James H. Jamieson,	Culpeper.	Samuel Pryor,	Brunswick.
Valentine C. Saunders,	Loudoun.	Wyatt Elliott,	Buckingham.

Between the Blue Ridge and the Alleghany.

James Kenney,	Rockingham.	John W. Jones,	Shenandoah.
Edmund Pendleton,	Botetourt.	Thomas Cramer,	Frederick.

West of the Alleghany.

Boaz Tibbs,	Monongalia.	Benjamin Sharp,	Lee.
Charles P. Deyerley,	Montgomery.	David Chilton,	Kanawha.

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Cadets of the other Class.

Ph. J. Winn,	Fluvanna.	William S. Beale,	Shenandoah.
Henry B. Sumpter,	Campbell.	J. W. Bell,	Augusta.
Everett Carter,	Albemarle.	W. H. Henderson,	Loudoun.
John S. Logan,	Rockbridge.	James Marshall,	Warren.

Transfer of Property.—On the 11th instant, the grounds, buildings, and arms, and all other property belonging to the Lexington arsenal, were received by the board and placed by them in the charge of major F. H. Smith, the principal professor of the Virginia military institute and the service of the cadets began.

Buildings.—In consequence of the authorization given by the legislature for the erection of buildings, contracts were entered into with col. John Jordan for the carpentry and James Alexander for the brick work of a dwelling house for the principal professor, and for raising the present barracks one story higher; the whole to cost $4500. These were found indispensable for the accommodation of 32 cadets and the steward.

I have prepared for your excellency a drawing shewing the barracks as they were, and another exhibiting the buildings of the military institute, as at present; together with the addition of another house similar to that of the principal professor, which will, by forming the other wing of the building, complete the symmetrical appearance of the front. The board felt anxious to contract for this house also, but were prevented by the inadequacy of their means, which compelled them to limit their expenditures for the present to the most urgent buildings as described above.

At present the steward occupies in the central barracks five rooms, one of which for a kitchen; himself, his family and servants being thus lodged among the cadets; this now unavoidable circumstance, it will strike every one, is highly unfavourable to the maintenance of good order and discipline within the Institute, and farthermore excludes 20 cadets of the second description, who could otherwise be admitted; a most important consideration both as regards the lightening of the military duties and promoting more emulation by the increase of numbers without mentioning the additional means to be thus obtained.

The board, for the preceding reasons, are very solicitous to have this house erected: it is to contain also the mess-hall, and thus that department will be entirely unconnected with the interior of the establishment: it will cost about $3,000.

The board have had to sustain an expense for covering anew the barracks with tin; the old tin roof being altogether out of repair. They had conceived that they were to have received the buildings in perfect order, and that this charge belonged properly to the old fund: the decision of the council, however, being to the contrary, a sum of $450 thus expended, must be added to the cost of buildings.

Grounds.—On examination of the premises the board found that they were so broken and uneven for military exercises, that it would be indispensable to enlarge them for the purpose, and an opportunity offering to acquire an adjoining piece of tolerably level ground, they embraced it and purchased 6¾ acres for $405, the title to which has been made over to the commonwealth.

Water.—The board have found the Institute very badly supplied with water; and considering this provision a matter of great moment as regards comfort, and still more, protection against fire, would wish to have water conveyed to the interior of the Institute by pipes. The cost would be about $750. This small sum may be the means of saving the considerable amount of property owned there by the state from a general conflagration, which could never take place but for the want of water, where so many active young men and a vigilant guard will always be at hand.

Expenses.—The immediate expense to the state of each regular cadet, as appears above, will be about $127 per annum, exclusive of general expenses. The expenses of students other than regular cadets will be about $152 upon an average.

The total expense for 32 regular cadets has been estimated above at about $10,000 annually; but with the present charges for buildings, it will require good management and the most strict economy to support *twenty* cadets, even with the present reduced emoluments of the assistant professor, and dispensing with the teacher of drawing and sword master, though both usually attached to all such institutions.

If the board could be relieved from the cost incurred for buildings, and allowed the means of erecting a steward's house, then the number of cadets of both descriptions might be increased to 56, and the prosperity of the institution more certainly secured. The outlay would then be:

Already contracted for—Principal professor's house and raising of the barracks,	-	4,500
Covering the latter with tin,	-	450
Indispensable additions—One house for the steward,	-	3,000
Conveying water by pipes,	-	750
Fences, out buildings, levelling ground, &c.,	-	1,500
		$10,200

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Treasurer's Account.—The account of the treasurer was examined and approved by the board of visitors, and is herewith submitted. It exhibits expenses up to the 11th of November of $ 2007 81¼, most of which on account of buildings, books and lot.

Arms.—The board have inspected the boxes of arms and found them in a good state of preservation. There are in the arsenal from 800 to 1000 muskets and rifles, which are out of order, and were deposited there many years ago, until they should be sent for from Richmond to be repaired. They recommend its being done.

One hundred small muskets and twelve small swords similar to those used at West Point are wanted for the use of the cadets at the Institute. The board has appointed general B. Peyton, one of its members, to make application to the war department for the same, as a part of the next apportionment to this state from the United States under the act of congress of 1808, your excellency approving and confirming the same. Application has probably already been made to you for four of the six brass six pounders lately received from the United States. They are necessary for artillery exercises at the Institute.

Although the buildings were not quite finished, the Institute has now gone into operation. The number of regular cadets was complete, but that of the others was not quite so. From this circumstance, however, no unfavourable conclusion is to be drawn, as it naturally results from the fact that almost all the first applicants were for admission as regular cadets, and that a great proportion of those of the other class were appointed from among these early applicants, many of whom found themselves unable to accept. There is, on the contrary, a very favourable feeling towards this infant institution prevailing, not only among the public of Virginia, but even in other states, from which applications have actually been made, which, under the law, the board had no power to grant: and from every indication, it may be expected that when the Institute is in full operation, the want of accommodations alone will limit the number of cadets. It is a well known fact that the West Point academy, created with its present number of cadets, when the population of the United States was hardly one half of what it is at the present day, can admit but a small proportion of the annual candidates. Nor is that school so much desired for the advantages of gratuitous education and ultimate appointment it affords; for many parents have applied to have their sons educated there as supernumeraries at their own expense, and many more do not wish for the appointment in the army bestowed upon graduates. It is the high learning acquired at that school and its discipline which constitute its attractions. At an age when passions are yet unmitigated by the lessons of experience, it is generally imprudent to trust to the self-government of a young man. Habits of unrestrained indulgence have frequently laid the foundation of the ruin of youths who, if submitted to proper discipline and restraint at this trying season of life, when the seeds of good or evil take so readily root, would otherwise have become useful and distinguished members of society. The wise and prudent parent will choose for his son that education which will impart to him habits of order and regularity, and that seminary where a degree of parental authority may exercise a beneficial control over his actions. Here will be a school patronized by the state, and the essential principle of which will be a sense of honour and duty. There the young student will find in each one of his associates the correct deportment of a gentleman and the honourable feelings of a soldier. Impressions received at that age will rarely fade away, and the youth who shall have learned to perform his duty punctually and to acquit himself honourably on all occasions, may be expected to regulate all his future actions by the same propriety of conduct and to establish for himself the character of a respectable citizen. To have passed through the strict ordeal of this school will be a most honourable diploma. Such will be the advantages of the Institute to its young graduates.

To the state it will procure every year a number of talented young men, engineers and soldiers, ready to serve her usefully in case of need, and it will promote and diffuse a knowledge of military science more effectually than any militia law could do.

Very respectfully submitted.

C. CROZET,
President Board of Visitors V. M. I.

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TREASURER'S ACCOUNT.

DR. VIRGINIA MILITARY INSTITUTE *with* HUGH BARCLAY, *Treasurer,* *CR.*

1839.				1839.			
July	6,	To paid John Jordan, -	568 00	July	6,	By draft to John Jordan on commonwealth, - -	568 00
		To paid James Alexander, -	432 00			By draft to James Alexander on commonwealth, - -	432 00
Aug.	19,	To paid James M'Dowell for books,	400 00	Aug.	6,	By draft to Bank of Virginia, do.	1,500 00
Sept.	4,	To paid Robert White for lot,	405 00				
	10,	To paid col. Crozet for uniform,	19 26				
Octo.	6,	To paid for 20 matrasses, -	100 00				
		To paid for 2½ q'rs paper at 30 c.	0 70				
		To paid for 1 " printer's paper,	0 31				
		To paid for 1 box wafers, -	0 06¼				
		To paid postage account, -	4 70				
	12,	To paid for digging ditch, -	0 10				
	16,	To paid for 4lbs. nails, -	0 40				
	26,	To paid freight on box of books,	3 45				
		To paid for covering house, &c.	6 50				
	28,	To paid for 13¼ yds. ticking for pillow cases, at 31¼ c. -	4 15				
		To paid for thread, -	0 10				
	31,	To paid for 31 yds. cotton for pillow slips, at 12½ cts. -	3 88				
		To paid for 2 spools cotton, at 10 c.	0 20				
		To paid freight on matrasses from Philadelphia to Richmond,	4 40				
Nov'r	2,	To paid Dickson for 1 day's work,	0 75				
	4,	To paid for 3 yds. cotton for slips, at 12½ cents, -	0 37½				
	5,	To paid for hauling two bales matrasses, - -	5 88				
	6,	To paid for cleaning bricks, &c.	5 88				
	7,	To paid 4 boys for removing clay, at 25 cents, - -	1 00				
		To paid Cudjo and Moses for three days work, - -	2 00				
		To paid Ruff & Sehorn for 36½lbs. feathers, at 50 cents, -	18 25				
		To paid making 20 pillow cases, at 12½ cents, - -	2 50				
		To paid making 40 pillow slips, at 9 cents, - -	3 60				
	8,	To paid J. A. Cummings for blank books, - -	15 75				
		To paid acc't book for treasurer,	0 75				
	11,	To paid soldier for 1 day's work,	0 75				
		To balance in treasury, -	492 18¼				
			$2,500 00				$2,500 00

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LAWS AND REGULATIONS OF WASHINGTON COLLEGE AT LEXINGTON, VIRGINIA.

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PHILO CALHOON, A. M., *Cincinnati Professor of Mathematics.*
GEORGE D. ARMSTRONG, A. M., *Robinson Professor of Physical Science.*
FRANCIS H. SMITH, *Cincinnati Professor of Military Science.**
JACOB FULLER, A. B., *Superintendent of the Preparatory School.*

LAWS AND REGULATIONS.

CHAPTER I.—OF THE OFFICERS OF THE COLLEGE.

1. The immediate government of the students, and administration of the college laws, is committed to the president, professors and tutors, who are charged with the regular course of instruction in the college.

2. No member of the faculty is to engage in any pursuit that may interfere with the stated and punctual discharge of his official duties.

3. The president is *ex-officio* chairman of the faculty. He is to preside at examinations and commencements and to confer all degrees.

*In the Virginia military institute connected with the college.

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4. The faculty shall hold stated meetings as often as they may deem expedient for the interests of the college, and the president may appoint special meetings at discretion.

5. The decision of the faculty shall be determined in every case by the votes of the members present; and should the votes at any time be equally divided, the president shall moreover have a casting vote.

6. The faculty shall appoint a clerk to record their transactions, and the record shall be laid before the board of trustees whenever they may call for it.

7. The faculty shall exercise a constant and parental oversight of the students; and shall frequently visit their rooms to prompt them to diligence in their studies and attention to the college rules.

8. The faculty shall have an entire control of the college buildings, and shall distribute the students in the rooms as they may deem advisable.

9. If any member of the faculty be refused admittance into a room, at any hour of the day or night, or if he find the door locked he may force an entrance, and the damage resulting shall be repaired at the expense of the students who may happen to be in the room at the time. But if no student be within, or the names of those within cannot be ascertained, and the entrance be at an hour when the students are required by law to be in their rooms, the damage shall be repaired at the expense of the occupants.

10. The faculty may from time to time adopt any rules and regulations, not inconsistent with the college laws, for the better government of the students and for the more effectual execution of the laws; and all rules and regulations promulgated by the faculty, shall have the same force and validity as the printed laws.

CHAPTER II.—OF ADMISSION.

1. No person shall be admitted as a student unless the faculty have satisfactory evidence that he is of good moral character, orderly habits, and if he come from another seminary of learning, that he was not dismissed therefrom for misconduct.

2. The requisites for admission into any department of college instruction, shall be a competent knowledge of English grammar, geography and arithmetic, especially vulgar and decimal fractions, and the rule of proportion.

For admission into the lowest class in the language department, the applicant must be well versed in the grammar of the language which he proposes to study, and with the application of its rules in parsing; in addition to which he must have read accurately the following books or their equivalent, to wit: in Latin, Justin, 6 books; in Cæsar, 6 books; Sallust's Jugurthine War; Gold's Ovid throughout, with the Latin Prosody; Virgil's Bucolics, Georgics and 6 books of the Æneid; and at least 6 orations of Cicero. In Greek, Jacob's Greek Reader throughout.

3. For an advanced standing in any department, the student must have stood an approved examination on the previous studies of that department. For admission into the class of Natural Philosophy, he must have studied algebra, plane geometry and plane trigonometry at least.

4. No student shall be admitted for a less time than till the close of the session. If he enter before the middle of the session he shall pay the fees of the whole session; if after the middle, he shall pay half the fees. Such as are exempted by the board of trustees from the payment of tuition fees, shall nevertheless pay room-rent and deposit.

5. At entrance each student shall produce the treasurer's receipt for his fees, and shall then inscribe his name in the matriculation book, under a promise that "he will faithfully endeavour while a student of Washington college to obey all its laws, rules and regulations." Annexed to his name he shall insert also the name and place of residence of his parent or guardian. No student shall be permitted to remain more than two days in the college buildings, nor be admitted into any class, without producing such receipt, unless for special reasons the faculty grant him indulgence for a limited time.

CHAPTER III.—THE COURSES OF STUDY PURSUED IN THE COLLEGE.

1. The regular course of studies for the degree of Bachelor of Arts.

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CLASSICAL DEPARTMENT.

The studies of this department are arranged in two biennial courses, so that each book may be read only in alternate years. The student may, with equal convenience, begin with the books of either year.

The books in the left hand column will be read in the years beginning with September 1st, 1839, 1841, 1843, &c., and those in the right hand column in the years 1840, 1842, 1844, &c.

First, or Second Year.	*Second, or First Year.*
LATIN. Tacitus, Historia, Germania and Agricola. Pliny; Select Epistles.	LATIN. Livy, (Folsom's) Cicero, De Officiis, De Senelute and De Amicetia.
GREEK. Xenophon's Cyropedia and Memorabilia. Adam's Roman Antiquities, Butler's Ancient Geography.	GREEK. Herodotus, Demosthenes's Select Orations, Cleveland's Antiquities of Greece, Butler's Ancient Geography.
Greek Testament, weekly.	Greek Testament, weekly.
Third, or Fourth Year.	*Fourth, or Third Year.*
LATIN. Select Satires of Horace, Juvenal and Perseus.	LATIN. Odes and Epistles of Horace. Select Plays of Terence.
GREEK. Homer's Iliad.	GREEK. Œdipus Tyrannus of Sophocles, and Medea of Euripides.
Greek Testament, weekly.	Greek Testament, weekly.

Written translations to be frequently required of all the language classes.

Lempriere's Classical Dictionary and Butler's Atlas Classica, to be used for reference by all the classes.

MATHEMATICAL DEPARTMENT.

First Year.	*Second Year.*
Algebra through Quadratic Equations. Day or Young.	Algebra and Geometry completed.
Plane Geometry, three or four books. (Davies's Legendre.)	Theory and use of Logarithms.
Plane Trigonometry. (Davies's Legendre.)	Spherical Trigonometry. (Davies's Legendre.)
Mensuration of Heights and Distances; Land Surveying and Navigation. (Cambridge Topography.)	Spherical Projections, Dialling, Nautical Astronomy, Trigonometrical Surveying and Levelling. (Cambridge Topography.)
Practical Exercises in Trigonometry and Surveying.	Analytical Geometry and Conic Sections. (Davies.)

EXTRA MATHEMATICAL COURSE, NOT REQUIRED FOR A DEGREE.

Theory of Numbers, Descriptive Geometry and exercises in drawing, Differential and Integral Calculus, Civil Engineering.

DEPARTMENT OF PHYSICAL SCIENCE.

Third Year of the Regular Course.

Chemistry, Electricity, Magnetism, Heat.
Mechanics, Hydrostatics, Pneumatics.
Optics, Astronomy.
Lectures on Botany, Mineralogy and Geology.

The subjects in this course are to be taught by lectures, experiments and recitations from text books, (except the last named, which are taught by lectures only.)

Text Books.—Turner's Chemistry, Olmstead's Natural Philosophy and Herschell's Astronomy.

The members of the class to write monthly essays on themes taken from their studies.

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RHETORICAL AND ETHICAL DEPARTMENT.

Fourth Year of the Regular Course.

RHETORICAL COURSE.

Philosophical Grammar, (by lectures,) Logic, (Whately's.)
Rhetoric and Criticism, (lectures and recitations from Blair or Campbell.) History, (Tytler's Elements.)
Weekly exercises in composition and elocution.

ETHICAL COURSE.

Mental Philosophy, (Upham's abridgment, with lectures.)
Moral and Political Philosophy, (Paley's, with lectures.)
Constitution of the United States, (lectures and recitations.)
Law of Nations, (lectures; Vattel to be consulted.)
Political Economy, (Wayland's, with lectures.)

Besides the subjects above specified, the professor in this department is to lecture on Sunday mornings, to all the students, on Natural Theology and the Evidences of Christianity.

2. *The Agricultural course of studies*, designed to qualify young men to become intelligent farmers.

The studies most essential to an agriculturalist may be completed in two years.

FIRST YEAR.

MATHEMATICS.	Algebra, through quadratics. Plane Geometry. Plane Trigonometry. Mensuration of heights and distances. Land Surveying.
RHETORICAL STUDIES.	Philosophical Grammar, (with special reference to the English language,) Logic, Rhetoric, History, Composition and Elocution.

SECOND YEAR.

PHYSICAL SCIENCES.	General Chemistry. Natural Philosophy, (including Mechanics, Hydrostatics, &c.) Botany, Mineralogy, Geology and Agricultural Chemistry.
MORAL SCIENCES.	Mental Philosophy, Moral Philosophy, Political Philosophy, with the Federal Constitution. Political Economy.

By extending his course to three years, the student may complete the scientific studies of the Institution, and either learn a modern language, or improve his knowledge of the Latin if he be prepared to join a Latin class.

3. Course of studies in the Cincinnati military school, now established in the college.

This will correspond nearly with the course pursued in the Virginia military institute, connected with the college.

The classes that confine themselves to this course, will first occupy two years in preparation for the studies purely military. They will take the regular mathematical course in connection with the rhetorical course, the first year; and with the physical sciences the second year; and in both years they will occupy their spare time in the study of language, especially the French.

The third year they will be occupied chiefly with the extra-mathematics, drawing, civil and Military engineering, (including fortification and gunnery,) and other studies of the same class in the Military institute.

The members of this school will also attend the drill exercise at the Military institute.

During the connection formed between the College and the Institute (and it is designed and expected to be permanent) the military studies and exercises of this school, will be conducted by the Cincinnati professor of military science, residing at the Institute, where the military class will attend daily for instruction. They will be required to wear on parade the uniform prescribed by the Institute.

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4. Course of studies in the school of civil engineering.

This is designed for such as aim to qualify themselves for civil engineering, exclusive of military science. The course, including preparatory studies, will occupy three years.

The first year.	Mathematics; first year of the regular course.
	Rhetorical course, or other auxiliary study.
Second year.	Mathematics. Second year of the regular course.
	Physical science; the regular course.
Third year.	Extra mathematics, including civil engineering and drawing.
	Moral sciences or other auxiliary study.

5. Course of studies in the school for English teachers.

This course is designed to qualify teachers of common schools, and may occupy one, two or more years, according to the degree of qualification aimed at.

As the student in this department must be previously acquainted with English grammar, geography and arithmetic, as these branches are usually taught, the course will be as follows:

One year's course.	Mathematics; first year of the regular course including the theory of arithmetic.
	Rhetorical studies, the regular course, with special reference to a correct knowledge of the English language, with such other auxiliary studies as the student can take.
Two years' course.	First year, same as the preceding.
	Second year, regular course of mathematics completed.
	Physical sciences; regular course, grammatical exercises, composition and elocution continued, &c.

In a more extended course the Latin language ought to be included.

Besides the lectures in the regular course, lectures will also be delivered, as occasion may require, on geography, on English grammar and on education, in reference especially to the best methods of instruction and the management of schools.

Note. Students desirous of studying modern languages will be taught either in the college itself, or the military institute connected with it.

CHAPTER IV.—OF COMMENCEMENT AND DEGREES.

1. The annual commencement for conferring degrees, shall be held on the last Thursday of June.

2. Students of this college, who shall have stood an approved examination on all the studies embraced in the regular course described in the preceding chapter, shall be recommended by the faculty to the board of trustees, as candidates for the degree of Bachelor of Arts.

3. But the degree shall not be conferred until the student shall have taken the part assigned him by the faculty in the public exercises of commencement, and his exercise shall be satisfactory both in matter and manner. Nothing shall be exhibited by any student at commencement but what shall have been examined and approved by the faculty at least twelve days before the exhibition.

4. Each candidate before obtaining the signature of the president to his diploma, shall pay into the college treasury such graduation fee as may be required, not exceeding five dollars.

5. When a student shall continue to pursue his studies in college, during one year at least after he shall be entitled to the degree of A. B., and shall continue to maintain a good moral character, and to employ himself diligently in extending his knowledge of the languages and sciences taught in the college, and shall satisfy the faculty of his proficiency by an approved examination, he shall then be recommended by them to the board of trustees for the degree of Master of Arts.

6. Graduates of this college, who shall elsewhere continue to extend their literary and scientific acquirements, and to maintain a good moral character during three years, may also apply for the degree of A. M.

7. Resident graduates shall not be required to pay tuition fees in college, if they have previously resided in college not less than three years; but they shall be subject to the college laws respecting order and moral conduct.

8. Students of this college, who shall have completed any of the lesser courses of study described in the foregoing chapter, and shall have stood a satisfactory examination on them all, shall be entitled to an official certificate with the college seal annexed, specifying the course of studies which they have completed, and the degree of their proficiency.

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CHAPTER V.—OF SESSIONS AND EXAMINATIONS.

1. The college year shall consist of one session, beginning on the first day of September and terminating on the last Thursday of June, when the annual vacation shall begin and continue to the 1st of September.

2. There shall be three examinations of the students in the course of the session; the first near Christmas day, to be followed by a recess of nine days; the second in the last week of March; and the third at the close of the session. The last shall be general on all the studies of the session.

3. Immediately after each examination, the faculty shall address circular letters to the parents and guardians of the students, giving the degree of their scholarship and behaviour, and the number of their absences from college exercises.

CHAPTER VI.—OF THE BUILDINGS.

1. The buildings are entrusted to the care of the faculty, and they may from time to time adopt such regulations as they may think necessary for their preservation and repair.

2. No student shall do any injury to the buildings, furniture, or other property of the college.

3. If any student shall break the windows or otherwise damage or deface the property of the college, he shall immediately repair the injury or pay double damages.

4. In cases where the offender cannot be designated, the occupants of a room shall repair its damages; injuries done to other parts of the college property by persons unknown to the faculty, shall be assessed on all the students, and charged in their deposit accounts. If a student's damages exceed his deposit he shall forthwith increase his deposit to the requisite amount, or be dealt with as the case may require; and where an injury shall appear to have been done intentionally or maliciously, the offender shall not only be liable to double damages, unless he immediately repair the injury, but to any punishment allowed by the college laws, at the discretion of the faculty.

5. All assessments for damages shall be made by the faculty or under their direction.

CHAPTER VII.—OF THE LIBRARY.

1. At the beginning of each session the faculty shall appoint a librarian, who shall continue in office during the session unless he sooner resign or be displaced by the faculty.

2. The library shall be opened at such times as the faculty may direct.

3. No student shall take or have out at one time more than one quarto or larger volume, or two of a smaller size; nor shall a student keep out a quarto or larger volume longer than four weeks without returning it, nor a smaller one longer than three weeks.

4. No student shall lend a book belonging to the library, nor carry it away from the vicinity of college, without permission of the faculty.

5. Members of the faculty may retain in their keeping books relating to the subjects which they teach so long as the general interests of the institution will permit.

6. All books taken out of the library shall be returned at least three days before the end of the session.

7. If any student keep out a book longer than the time prescribed, he shall be fined 12½ cents per week, and the fine may be charged to his deposit account.

8. Every student shall pay for any injury sustained by a book in his possession—the damage to be assessed by the librarian, subject however to an appeal to the faculty. If leaves be torn out of a book, or it be otherwise essentially injured, the student may keep it, but must pay its market value in Lexington, and ten per cent. additional; and if the volume be part of a set, he shall pay at the same rate for the whole, and the set shall be his.

9. The librarian shall receive for his compensation 25 cents from each student, to be charged by the treasurer in his deposit account.

CHAPTER VIII.—MORAL RULES.

1. Freedom of worship as guaranteed by the laws of the state shall be enjoyed by every person connected with the college, and all sectarian influence is hereby prohibited.

2. The students shall attend prayers in college every morning and evening, and conduct themselves while doing so with the utmost decorum.

3. Every student shall attend Divine service on the Sabbath in some church convenient to college—especially the forenoon service when practicable, and always maintain at church a reverential deportment.

4. On Sundays, the students shall attend moreover to instruction on natural theology and the evidences of christianity, and recite lessons from the Greek and English scriptures.

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5. No student shall play cards, dice or other game of hazard, make bets, be present at a horse-race, use profane language, become intoxicated, engage in riots or mischief of any kind, or be guilty of any other immorality.

6. Students shall not insult, quarrel with or strike one another, but shall treat all persons with due civility and respect.

7. Students shall not attend a ball or dancing party during the session.

8. No student shall keep fire-arms or any sort of weapon in or about the college, or wear a weapon about his person, or practice shooting with pistols. If any student be concerned in a duel as principal, second or abettor in any way, he shall be expelled. Sham duels with fire-arms are also prohibited.

9. No student shall bring or cause to be brought into college gunpowder or intoxicating liquor, or use them in college; nor shall any student make an entertainment without permission of the faculty.

10. Students when summoned before the faculty or any member of the faculty, shall appear promptly; and if any one refuse to do so he shall be deemed guilty of a high misdemeanour and dealt with accordingly.

11. If a student during vacation or recess, be guilty of immorality or rude behaviour, such as would justify dismission if done in college, the faculty may refuse him the privilege of returning to college.

12. Students who remain in college during vacation or recess, shall behave themselves with propriety, or the faculty may order them to leave the buildings.

CHAPTER IX.—OF PUNISHMENTS.

1. The punishments used in this institution are wholly of a moral character, and are addressed to the sense of duty and to the principles of honour and shame.

2. They are as follows: admonition or reproof administered by an officer of college singly; admonition, reproof or solemn rebuke by a vote of the faculty. These may be administered privately or publicly as the case may require. Putting the offender on probation by a vote of the faculty; the effect of which is to expose him to a higher punishment for any offence committed during his probation. Suspension or dismission by a vote of the faculty; and expulsion by a vote of the board of trustees.

3. When the general character and conduct of a student are such that the faculty shall think his continuance at the college injurious to its interests, they may request his parent or guardian privately to withdraw him; or if the case require it they shall themselves dismiss him; especially if he be habitually negligent of study, and consequently deficient in scholarship; if he be extravagant in his expenditures, or immoral, vicious or mischievous in his private habits, although he may not be convicted by regular proof of specific acts; yet if the faculty be in any way convinced that such is his character they may at discretion cause him to leave the college.

4. When a student shall be suspended or dismissed, the faculty shall require him to leave the college, and if he be not a resident of Lexington, to leave the town also, allowing him a reasonable time to prepare for his departure; and if he refuse to comply with this requisition he shall be expelled.

5. A student under suspension shall continue to pursue his studies, and shall pass a satisfactory examination before he is reinstated.

6. When a student shall be sent away from the college by the faculty, or when the faculty are satisfied that ill health makes it necessary for a student to leave college, they shall order the treasurer to refund to him an equitable proportion of his fees.

CHAPTER X.—MISCELLANEOUS REGULATIONS.

1. The students shall take boarding only at houses approved by the faculty; and a student may be required by the faculty to change his boarding at any time.

2. Students who board away from home shall lodge in the college buildings, unless exempted for special reasons by the faculty.

3. The intervals for meals and recreations are one hour at breakfast time, two hours at noon, and not less than two nor more than three hours, as the faculty shall direct, in the evening. At all other hours the students shall study in their rooms, unless absent by permission of some member of the faculty. But the hours on Saturdays and Sundays during which the students shall keep their rooms, are left to the regulation of the faculty.

4. The two literary societies of college shall hold their meetings on Saturdays between the hours of 8 A. M. to 6 P. M.

5. The college servants are under the sole direction of the faculty. A student shall in no case chastise them or use abusive language to them, but if he have any complaint against them he is to inform the faculty.

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APPENDIX.

I. *Of the Preparatory School connected with the College.*

This school is under the immediate government of its superintendent; but the faculty are authorized to exercise a general oversight of its condition; they may visit it at any time and examine its classes.

The subjects taught in this school shall be those which are requisite to admission into the lowest regular class of college and no others.

Members of the preparatory school shall not lodge in the college buildings without special permission of the faculty, and then they shall be subject to the college rules of order and moral conduct. The faculty may at any time require them to leave the college and obtain lodgings elsewhere.

II. *Of the connection between the College and the Virginia Military Institute.*

These institutions being situated so near to each other that the students of the one may conveniently attend the exercises of the other, the two boards have agreed on terms of connection and co-operation, which are substantially as follows:

1. Each institution is to retain its distinct organization and government.
2. All the classes, lectures and exercises of instruction in the one are to be open to the students and cadets of the other, on payment of tuition fees not exceeding ten dollars per annum for each class entered.
3. To secure order in the interchange of instruction, the faculty of either institution may suspend from its privileges any student or cadet of the other, by simply giving notice of the suspension and the cause of it to the faculty of the other. Both faculties are to adopt the same rules of order.
4. A student or cadet suspended or dismissed by his own faculty is to be alike excluded from both institutions.
5. Members of the Cincinnati military school in the college are to wear on parade the uniform of the Institute.
6. The college board may appoint the military professor in the Institute as their professor of military science, and assign to that professorship an equitable proportion of the Cincinnati fund. This appointment does not affect the distinct organization and government of the institutions; and the college board reserve the power to withdraw their appointment and appropriation on certain conditions.

NOTE.—It is under this arrangement that the military professor of the Institute becomes Cincinnati professor of military science to the college.

BILL OF EXPENSES IN THE COLLEGE.

Treasurer's bill per annum: tuition 30 dollars, room-rent 4 dollars, deposit 6 dollars—Total 40 dollars.

Board 7½ to 8 dollars per month; washing 10 dollars per session; fuel and candles about 12 dollars; bed 6 to 8 dollars. Total per session about 140 dollars, besides books, &c.

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CORRESPONDENCE BETWEEN THE EXECUTIVE OF VIRGINIA AND THE EXECUTIVE OF NEW YORK.

Lieutenant Governor of Virginia to Governor of New York.

RICHMOND, AUGUST 30, 1839.

SIR,

On the 25th of July (ult.) I received an affidavit signed by Miles King, mayor and a justice of the peace for Norfolk borough in this state, in which it was solemnly and positively averred on oath by John G. Colley of said borough that on or about the 15th of the same month Peter Johnson, Edward Smith and Isaac Gansey, attached to the schooner Robert Center, *then* in New York, "*did feloniously steal and take from the said Colley a certain negro slave named Isaac, the property of said Colley;*" and it being alleged that they were fugitives from justice, I thereupon made a demand upon your excellency for the surrender of them to John Caphart, an agent appointed for that purpose, in order that they might be brought back to Virginia to be tried for the offence charged upon them according to our laws. On the 30th of July, as reported by Mr. Caphart, and as appears by an informal note in writing subscribed by Samuel Blackford, esq., your private secretary, and delivered to him, purporting to be by your order, you received my demand and promised to "pass upon the subject within a few days." Since that time, however, although one full month has elapsed, I have received no official intelligence of the disposition you have made of it. As the demand was founded upon the accusation of an offence peculiarly and deeply affecting the general interest of the good people of this commonwealth—recognized as felony and severely punished by our laws—and as, if longer delay is permitted, the offenders may escape altogether, I trust you will excuse my anxiety for calling your attention to the subject, and asking that you will dispose of it with all convenient promptitude after the receipt of this letter, and apprise me of the result.

With sentiments of high respect,

I am, sir,

Your excellency's

Most obedient servant,

H. L. HOPKINS.

To his Excellency W. H. SEWARD, *Governor of New York,*
Albany, New York.

EXECUTIVE DEPARTMENT,
RICHMOND, October 4, 1839.

SIR,

Your letter of the 16th ult. in answer to mine of the 30th of August has been received, by which I am informed you have rejected my demand for the surrender of Peter Johnson, Edward Smith and Isaac Gansey, charged upon solemn affidavit of having (about the 15th of July last) feloniously stolen and taken from John G. Colley, a citizen of Virginia, "a negro slave named Isaac, the property of said Colley." I beg you to be assured, sir, that the views contained in your letter have been weighed most attentively, anxiously, and respectfully; and but for their novelty and dangerous tendency, I should have felt no wish to continue the correspondence between us farther. But entertaining as I do a fixed opinion that your doctrines are at war with the language and spirit of the federal constitution—inconsistent with the true relations, rights and duties of the states of the Union, and calculated to disturb the general harmony of the country, I feel it to be my imperious duty promptly to protest against such a precedent, and to vindicate the rights of the state whose executive functions have been temporarily committed to my charge. Had you placed your refusal to make the surrender upon the ground of the supposed defective affidavit upon which the demand was made, however widely I might and should have differed in opinion with you upon that subject, I would have preferred, and should probably have adopted, the easier plan of removing your difficulties by having it put in an unexceptionable form. But you have rendered it unnecessary for me to pursue that course, or to urge any arguments in favour of the sufficiency of the affidavit. You

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close the door of informality by declaring that, "*admitting the affidavit to be sufficient in form and substance to charge the defendants with the crime of stealing a negro slave from his master in the state of Virginia, as defined by the laws of that state, yet in my opinion the offence is not within the meaning of the constitution of the United States.*" You then proceed to define the character of offences which in your opinion were intended to be embraced by the constitution in the terms "treason, felony or other crime;" and for the perpetration of which *alone* you seem to think it is the right of one executive to demand, and the correlative obligation of the other to surrender, a fugitive from justice. Your language is as follows:

"I believe the right to demand, and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged *are recognized as crimes by the universal law of all civilized countries.* I think it is also well understood that the object of the constitutional provision in question, was to recognize and establish this principle in the mutual relations of the states as independent, equal and sovereign communities." You then conclude as the consequence of a different doctrine, that "civil liberty would be very imperfectly secured in any country whose government was bound to surrender its citizens to be tried and condemned, in a foreign jurisdiction, *for acts not prohibited by* its own laws;" from which as well as several other portions of your letter, I understand you distinctly as contending that no state is bound to surrender one of its citizens as a fugitive from justice, unless the offence which he is charged to have committed *in another state*, is recognized as felonious or *criminal* by the laws of *his own state.* Now sir, these doctrines are so completely at war with what I understand to be the law of nations governing the intercourse, the rights and obligations of separate and foreign countries, and by consequence, yet more inconsistent with the friendly and federal relations of these states, as prescribed by a constitution of government fully considered and freely adopted *by each* in its sovereign capacity, that I cannot agree by remaining silent to be considered as acquiescing for a moment in their correctness. According to the laws of nature and of nations, every independent community of people has an undoubted right to form for itself a civil society—to construct its own form of government—to devise and enact its own system of laws—to conduct its internal or municipal regulations in such manner as may best conduce to its own happiness and prosperity—and to establish by treaty or otherwise all such political relations and commercial arrangements with other countries as may not be in conflict with the universal principles of justice, and the rights of other nations. It thus becomes a free, independent and sovereign state, and assumes its proper station among the great family of nations. Neither the government or the citizens of any other country can rightfully interfere with its municipal regulations in any way. "It is an evident consequence of the liberty and independence of nations, (says Vattel,) that all have a right to be governed as they think proper, and that no state has the smallest right to interfere in the government of another. Of all the rights that can belong to a nation, sovereignty is doubtless the most precious, and that which other nations ought the most scrupulously to respect, if they would not do her an injury." The citizens of no other country are in anywise bound to put foot upon her soil; but if they choose of their own free will to do so, they become at once entitled to the protection, and subject to the penalties of her laws; and during their sojourn are in duty bound to deport themselves as good and orderly members of the society to which they have thus temporarily attached themselves. Should they choose to pursue a different course, however, by injuring the citizens—destroying or purloining their property, and violating the laws, they then forfeit their right of protection, and subject themselves to the punishment affixed by the supreme authority to their offences.

According to Vattel page 162. "If the offended state has in her power the individual who has done the injury, she may without scruple bring him to justice and punish him. *If he has escaped and returned to his own country she ought to apply to his sovereign to have justice done in the case.* And since *the latter* ought not to suffer his subjects *to molest* the subjects of *other states*, or *to do them an injury*, much less to give open, audacious offence to foreign powers, he ought to compel the transgressor to make reparation for the damage or injury if possible, or to inflict on him an exemplary punishment; or finally, according to the nature and circumstances of the case, *to deliver him up to the offended state to be there brought to justice.*"

In strict accordance with these views, are those expressed by a very able and distinguished citizen of your state, James Kent, in the first volume of his commentaries page 36. "It has sometimes been made a question how far one government was bound by the law of nations, and, *independent of treaty*, to surrender upon demand fugitives from justice, who having committed crimes in one country flee to another for shelter. It is declared by the public jurists that *every state* is bound *to deny* an asylum to *criminals;* and upon application and due examination of the case, to surrender the fugitive to the foreign state where the crime was committed. The language of the authorities is clear and explicit; and the law and usage of nations rest on the plainest principles of justice. It *is the duty* of the government *to surrender* up fugitives upon demand, after the civil magistrate shall have ascertained the existence of *reasonable grounds for the charge*, and *sufficient* to *put the accused upon his trial.*" Thus then it is seen, even in reference to nations not bound by treaty or confederated by compact, that the usage of surrending fugitives from justice is observed and cherished in the most liberal spirit. But the principle is greatly enlarged in its application to those countries situated near each other, and whose citizens are engaged in constant negotiations or frequent intercourse the one with the other. In such cases the duty of each sovereign to

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restrain his subjects from interfering with those of the other becomes indispensably necessary to secure the blessings of peace, and to avoid the evils of a constant state of war. Hence Vattel, page 163, observes, "The matter is carried still farther in states that are more closely connected by friendship and good neighbourhood. Even in cases of *ordinary transgressions* which are only subjects of civil prosecution either with a view to the *recovery of damages* or the infliction of *a slight civil punishment*, the subjects of two neighbouring states are *reciprocally obliged to appear before the magistrate of the place where they are accused of having failed in their duty.* Upon a requisition of that magistrate, called 'Letters Rogatory' they are summoned in due form by their own magistrates and obliged to appear. An admirable institution, by means of which, many neighbouring states live together in peace and seem to form only one republic. This is in force throughout all Switzerland. As soon as the 'Letters Rogatory' are issued in form the superior of the accused is bound to enforce them. *It belongs not to him to examine whether the accusation be true or false.* He is to presume on the justice of his neighbour and not to suffer any doubts on his own part to impair an institution so well calculated to preserve harmony and good understanding between the states." If this then be the law which experience has proven to be salutary in its operation, and which ought to govern the relations of neighbouring states ordinarily; and if the liberal and prompt surrender of fugitives from justice has been found to be so essential in preserving peace between them, surely every consideration of philanthropy, patriotism and public duty require that no impediment should be interposed to its full and free operation among the states of our federal union. Whilst I might therefore proceed to show that this principle of international law in the absence of all positive agreement, applies in full force and with peculiar fitness to the relations of the twenty-six states of our confederacy, it fortunately becomes unnecessary to do so from the fact that the states themselves have long since converted the abstract principle into an express provision of their fundamental law. In the 4th article and 2d section of the federal constitution is found the following clause, "a person charged in any state with treason, felony, or *other crime*, who shall flee from justice and be found in another state, shall on demand of the executive authority of the state from which he fled, be *delivered up* to be removed to the *state having jurisdiction of the crime.*" As early as 1793 the congress of the United States passed an act providing for the full and complete execution of this provision of the general government by prescribing the form in which the demand should be made, and requiring the surrender accordingly. See laws of the United States, by Story, vol. 1, page 284. Thus the framers of our federal constitution intended not only to secure to "the citizens of each state all privileges and immunities of citizens of the several states," but to preserve unimpaired the happy and harmonious relations of all the states by requiring the prompt surrender of every person who shall commit a criminal offence in one state and flee to another for protection, to be removed for trial and punishment "*to the state having jurisdiction of the crime.*" But according to your excellency's construction of this clause, the terms "treason, felony, or other crime," although comprehensive enough to embrace all criminal offences and to reach all fugitives from justice, must be so restricted and interpreted as to include only such offences as "*are recognized as crimes by the universal law of all civilized countries.*" Thus the citizens of Pennsylvania and Ohio may enter the territory of New York and commit a thousand offences made criminal by your laws, to the great annoyance and injury of your people, but if they happen to be crimes peculiarly affecting the inhabitants of New York, or of a grade or character each not "recognized as crimes by the universal law of all civilized countries" you may in vain demand their surrender. You may punish your own citizens for committing similar offences, but those of other states who entered your territory for the predetermined purpose of violating your laws—injuring the rights, and disturbing the repose of your peaceful and unoffending countrymen may flee from your state exulting in their crimes, and it is neither your right to demand or the duty of their governor to surrender them for trial and punishment. Such a construction of the clause in question would utterly defeat the object of those wise and sagacious statesmen who framed the federal compact; and instead of promoting peace between the states, would, in my humble judgment, cherish a constant state of excitement and collision between them. But sir, is it true that the offence committed by Peter Johnson, Edward Smith and Isaac Gansey, is not recognized as criminal by "the universal law of all civilized countries"? They are charged with *feloniously stealing* from John G. Colley a citizen of this state, property which could not have been worth less than some *six* or *seven hundred* dollars. And I understand *stealing* to be recognized *as crime* by all laws, human and divine. But you escape this conclusion by informing me (the property stolen being a negro slave) "*that there is no law of this state which recognizes slavery; no statute which admits that one man can be the property of another, or that one man can be stolen from another.*" Now sir, need I tell you it was not an offence against *the laws of New York* but *those of Virginia*, that the demand was made; and because the injury inflicted upon a citizen of Virginia happens not to be recognized as criminal by the laws of New York, although expressly made felony by the laws of this state you refuse to surrender the offender, and by consequence to decline all agency in redressing the grievance complained of. I do not mean to be drawn into a discussion of the abstract right of slavery, or to urge any arguments against the right or propriety of any nation or people to interfere with our domestic institutions. That, I assure you sir with all possible deference is not with the people of Virginia a debatable question. Upon that subject I need only add, *Virginia knows her rights and will at all times maintain them.* But when we remember that slavery has existed in almost every civilized country since the foundation of the world—that it was recognized and not forbidden by the Saviour of mankind—

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that it was for a long series of years recognized and tolerated by the legislation of New York, when its citizens were as *good*, *virtuous* and *wise* as they are *now*—that it has existed in this state continuously for more than two hundred years—that it still exists in one half of the states of this Union—and that it is recognized and tolerated by the constitution of the United States, the common government of all the states, you will pardon me for denying the claim of authority in New York to pronounce the laws of Virginia upon that subject null and void, because she has thought proper to abolish slavery within her own dominions.

It is of the essence of sound construction that the obligations of the constitution should be made to apply uniformly and equally to all the states and their citizens respectively—and yet because the *stealing of a slave* is made felony in Maryland and not in New York, two citizens of those states may confederate and come into Virginia and *steal a slave*, and flee to their respective states for refuge; and upon a demand from the governor of this state for the surrender of each, the constitution according to your view, *requires* the governor of Maryland to surrender the offending citizen of that state, *but does not require you* to surrender the offending citizen of your state. The conclusion is, that the constitution which was designed to confer upon the citizens of all the states *precisely equal rights*, authorizes *the punishment* of a citizen of Maryland for the perpetration of a crime *for which it excuses a citizen of New York*—although both are equally guilty. Such could never have been the intention of those who framed the constitution. Their sense of justice would have revolted at the very idea of such inequality and iniquity. "Civil liberty would (indeed) be very imperfectly secured in any country" within whose territory foreigners might commit acts of depredation, and escape punishment through the protection of their sovereign, because their offences are not made criminal by the laws of the country in which they are found. Such I am persuaded is not the principle of the law of nations. On the contrary, in the language of Vattel, "The sovereign who refuses to cause reparation to be made for the damage done by his subject, or to punish the offender, or finally to deliver him up, renders himself in some measure *an accomplice in the injury*, and becomes responsible for it." The state of Virginia has an unquestionable right to devise its own system of jurisprudence—to regulate by law the conduct of its own citizens—to declare what shall constitute property within her borders—and to secure her people in the free acquisition, tenure and enjoyment of it—and finally to declare what acts shall be considered *felonious* or criminal, and to denounce upon those who commit them such punishment as her legislature may prescribe. Should a citizen of New York come within her dominions, while here he can claim the protection of her laws for the security of his person and his property; but on the contrary, should he commit an act made criminal by her laws and then flee to New York, the federal constitution, the laws of nations, and even offended justice itself, authorizes Virginia to demand, and requires New York to surrender him for trial—not as I have said for violating the laws of New York, but those of Virginia. All the writers upon international law I believe concur in the doctrine of Mr. Kent, "The guilty party cannot be tried and punished by any other jurisdiction than the one whose laws have been violated." And the constitution of the United States expressly declares that he shall be delivered up "to be removed to the state having jurisdiction of the crime."

It seems to me then sir, with all due deference, that the reason urged by you for refusing to comply with the demand in the present instance, forsooth, that the offence charged to have been committed is not recognized as criminal by the laws of New York, is wholly insufficient. In conclusion sir, I beg you to be assured that whilst with a radical difference of opinion I have canvassed your views with freedom, I have done so with no other sentiments towards you personally or officially than those of perfect good will and respect.

I am, sir,

Very respectfully,

Your obedient servant,

H. L. HOPKINS.

To his Excellency W. H. SEWARD, *Governor of New York.*

To his Excellency GOVERNOR SEWARD.

DEAR SIR,

In the case of the three coloured men, Isaac Gansey, Peter Johnson and Edward Smith upon *habeas corpus*, who were discharged by me from imprisonment in July or August last, the facts as they appeared before me were as follows:

The keeper of the prison returned that he detained the prisoners by virtue of a warrant of one of our police magistrates. This warrant charged them with being fugitives from justice from the state of Virginia.

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The testimony upon which the warrant issued was affidavits swearing to the legal conclusion that they were "fugitives from justice." It was also shewn that a requisition from the executive of Virginia had been forwarded to the governor of this state, demanding that the prisoners should be delivered up to the authorities of Virginia.

I then examined upon oath two gentlemen from Virginia who were present. One of them was the agent of the owner of the negro who was alleged to have been stolen, and the other assisted in retaking the slave. By reference to the papers before you in this case, you will observe that one or both of these gentlemen made the affidavits upon which the complaint was made in Virginia against the three persons claimed to be fugitives.

These gentlemen proved that the slave was a ship carpenter employed in Virginia in repairing the schooner on board of which the three persons were hands;—that after the schooner sailed the slave was not to be found;—that they by express reached the harbour of New York before the schooner arrived;—that they went on board the schooner and made known to the captain their suspicions that the slave was concealed on board. The captain denied all knowledge of the slave's being on board, and assisted in making search for the slave. The slave was found on board concealed amongst the live oak timber. The three persons were the only coloured persons on board.

This was all that these gentlemen could testify to of their own knowledge to shew that the three men had stolen the slave. As the question involved much feeling, I permitted the gentlemen to prove what had been told to them by others. One or both of the gentlemen testified that the slave informed them that *one of the prisoners observed to him* (the slave) that *he was foolish to remain in Virginia, as he could get good wages north;* and that this suggestion induced him to run away and secrete himself on board the vessel.

This was all that they pretended could be proved by any one else that shewed any participation on the part of any of the prisoners in the escape of the slave.

I permitted this kind of evidence, not as testimony in the case, but to learn whether there was any testimony in Virginia or elsewhere that could implicate the prisoners in the charge preferred, and also to learn what reliance could be placed on affidavits swearing to legal conclusions.

I was satisfied that according to the testimony neither of the prisoners had committed an offence even against the law of Virginia, and that the testimony was not such as to authorize the detention of the prisoners. I therefore discharged them.

I owe your excellency an apology for not sooner answering your letter. Sickness in my family and constant official occupation have been the causes.

Very respectfully, yours, &c.

(Signed)

ROBERT H. MORRIS,
Recorder of the City of New York.

Governor of New York to the Lieutenant Governor of Virginia.

STATE OF NEW YORK.

EXECUTIVE DEPARTMENT, Albany, September 16, 1839.

SIR,

Having just arrived in this city, I find your letter of the 30th August last. I left Albany on the 30th July last. On that day and within an hour before my departure, Mr. Caphart delivered to me the requisition mentioned in your letter. I did not doubt on reading the requisition that the offence alleged against the accused was considered by you as one "deeply interesting the general interest of the commonwealth of Virginia;" and I may add that upon that ground as well as for the reason that it was the first requisition which had been made upon me on such a charge, I thought the subject deserved grave consideration. I learned from Mr. Caphart that the accused were at that time imprisoned in New York waiting my decision on the requisition, and that the slave alleged to have been stolen had been retaken by him and restored to his master before the requisition was made. No particular inconvenience seemed likely to result from delay, and previous engagements prevented my remaining here to examine the subject at that time.

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The affidavit annexed to the requisition and containing the charge against the accused was in these words:

"*Norfolk Borough, to wit:*

"This day personally appeared before me M. King, a justice of the peace of the borough aforesaid, state of Virginia, John G. Colley of said borough, and made oath that on or about the 15th inst. Peter Johnson, Edward Smith and Isaac Gansey now attached to the schooner Robert Center, at present in New York, did feloniously steal and take from the said Colley, a certain negro slave named Isaac, the property of said Colley. Given under my hand and seal this twenty-second day of July, one thousand eight hundred and thirty-nine.

M. KING, *Mayor*
and J. P. (*L. S.*)"

A hasty perusal of this paper raised doubts whether it sufficiently charged a felony under the laws of Virginia. I expected to arrive at Auburn within a few days, and determined to consider and decide upon the subject at that place. I thought it proper to specify the points in which the affidavit seemed defective in order that they might be supplied, if Mr. Caphart thought proper by a supplemental affidavit, which from his knowledge of the transaction I did not doubt he could make. Lest some misapprehension of my purpose might occur, I directed my secretary to deliver to Mr. Caphart the informal note mentioned in your letter, and to transmit a copy of the same to the sheriff of New York to be delivered to the accused: That note was as follows:

"ALBANY, JULY 30, 1839.

"The governor has received on the eve of his departure from Albany, a requisition issued by the executive department of Virginia for the delivery of Peter Johnson, Edward Smith and Isaac Gansey, as fugitives from justice. The papers annexed to the requisition are in some respects defective and unsatisfactory. Especially are they defective in proof that the persons demanded are fugitives from Virginia, or that they are in this state. The applicant may supply this proof. On the other hand inasmuch as the offence is one of a grave character, and the requisition demanding the surrender of three persons supposed to be citizens of this state, is grounded not as is customary upon the finding of a grand jury, but upon a brief and somewhat unsatisfactory affidavit, the governor deems it his duty to give them an opportunity to be heard before deciding upon the requisition.

"The governor therefore directs that a copy of this note and also copies of the papers be delivered to the applicant, and that copies of the same be transmitted to the sheriff of the city of New York, who is hereby requested to deliver the same to the parties demanded, now said to be in his custody.

"The governor will receive any communication addressed to him at Auburn, and will pass upon the subject within a few days.

"By the governor.

SAML. BLATCHFORD,
Private Secretary."

I left the city under the expectation that on my arrival at Auburn I should receive communications from Mr. Caphart and from the accused. But I cannot say that Mr. Caphart had any other means of understanding that expectation than the intimation expressed in the note. I did not reach Auburn until the expiration of fifteen days. I learned there from the public newspapers that the recorder of the city of New York had discharged the accused upon a writ of habeas corpus. I received no communication on the subject from Mr. Caphart nor from the accused or any person on their behalf, and I supposed the discharge had taken place upon the ground that the requisition and affidavit were deemed by the recorder insufficient to justify the detention of the prisoners. I inferred from Mr. Caphart's silence that he had abandoned the application, or that he acquiesced in the decision of the recorder. But for your letter of the 30th August I should have remained under this erroneous belief. I have made this statement at length because the circumstances unexplained were calculated to induce a belief on your part that there had been neglect in answering the demand contained in the requisition.

Your communication calls me now to consider the application upon the papers as they were originally submitted to me.

With the most respectful deference, I still think that the charge contained in the affidavit annexed to the requisition is defective in substance, because it does not state the place nor the county nor even the state in which the alleged felony was committed. The affidavit may be strictly true and yet the felonious taking averred might have taken place in Maryland or even in this state. It cannot be said that the defect is supplied by the requisition, for the requisition assumes only to recite from the affidavit, "Whereas it appears by the annexed

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affidavit (which is hereby certified as authentic) that Peter Johnson, Edward Smith and Isaac Gansey are fugitives from justice from this state, charged with felony." I am not prepared to admit that if the requisition contained all the necessary averments it would be safe to overlook the defects in the affidavit.

I very cheerfully concede, however, upon a more careful perusal of the paper, that the averment that the accused are "now attached to the schooner Robert Center, at present in New York," is sufficient to shew that they were in this state at the time the requisition was issued.

I do not fear that you will consider my objections to the requisition and affidavit as technical or captious. The power of delivering fugitives is one of the highest importance and deeply concerns the liberty and security of citizens. In such cases, statutory requirements and even technical forms of proceeding are safeguards against the arbitrary or capricious exercise of executive authority.

But it is by no means my wish to protract unnecessarily the correspondence upon this subject, or to avoid a decision upon the important principle it involves. I beg leave, therefore, to state most respectfully that admitting the affidavit to be sufficient in form and substance to charge the defendants with the crime of stealing a negro slave from his master in the state of Virginia, as defined by the laws of that state, yet in my opinion the offence is not within the meaning of the constitution of the United States. The words employed in the constitution, "treason, felony or other crime," are indeed very comprehensive. It has long been conceded that citizens of the state upon which the requisition is made are liable to be surrendered as well as citizens of the state making the demand, and it is further regarded as settled that the discretion of the executive in making the demand is unlimited, while the executive upon whom it is made has no legal right to refuse compliance if the offence charged is an act of "treason, felony or other crime" within the meaning of the constitution. Can any state at its pleasure declare an act to be treason, felony or crime, and thus bring it within the constitutional provision? I confess that such does not seem to me to be the proper construction of the constitution. After due consideration, I am of opinion that the provision applies only to those acts which, if committed within the jurisdiction of the state in which the person accused is found, would be treasonable, felonious or criminal by the laws of that state.

I do not question the constitutional right of a state to make such a penal code as it shall deem necessary or expedient, nor do I claim that citizens of another state shall be exempted from arrest, trial and punishment in the state adopting such code, however different its enactments may be from those existing in their own state. The true question is whether the state of which they are citizens is under a constitutional obligation to surrender its citizens to be carried to the offended state, and there tried for offences unknown to the laws of their own state. I believe the right to demand and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged are recognized by the universal law of all civilized countries. I think it is also well understood that the object of the constitutional provision in question was to recognize and establish this principle in the mutual relations of the states, as independent, equal and sovereign communities. As they could form no treaties between themselves, it was necessarily engrafted in the constitution. I cannot doubt that this construction is just. Civil liberty would be very imperfectly secured in any country whose government was bound to surrender its citizens to be tried and condemned in a foreign jurisdiction for acts not prohibited by its own laws. The principle, if adopted, would virtually extend the legislation of a state beyond its own territory and over the citizens of another state, and acts which the policy and habits of one state may lead its legislature to punish as felony, must be considered of that heinous character in another state for certain purposes, while for all other purposes they would be regarded only as violations of moral law. In some of the states of the Union, adultery is made a felony; in another the being the father of an illegitimate child is made a crime; and in another marriage without license or other formalities is penal. To admit the principle that violations of these and similar laws, which are in their character mere municipal regulations adapted to the policy of a particular community, are "felonies" and "crimes" within the meaning of the constitution, would involve the most serious consequences by imposing obligations which it would be impossible to execute. It is evident there must be some limit to the description of "crimes" meant by the constitution; and that which I have applied in this instance seems to me to give full and fair scope to the provision, and at the same time preserve the right of exclusive legislation to each state over persons confessedly within its jurisdiction, while it preserves that harmony which is so essential to our mutual interest.

The offence charged in the affidavit before me is not understood to be that of kidnapping a person, by which he was deprived of his liberty or held in duress, or suffered personal wrong or injustice, but is understood to mean the taking of a slave considered as property from his owner. If I am incorrect in this supposition, the vagueness and uncertainty of the affidavit must excuse my error. But I think there can be no controversy upon this point. I need not inform you, sir, that there is no law of this state which recognizes slavery, no statute which admits that one man can be the property of another, or that one man can be stolen from another. On the other hand, our constitution and laws abolish slavery in every form. The act charged in the affidavit, if it had been committed in this state, would not contravene any statute; nor is it necessary to inform

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you that the common law, which is in force in this state when not abrogated by statute, does not recognize slavery, nor make the act of which the parties are accused in this case felonious or criminal.

It results from this view of the subject that the offence charged in the affidavit and specified in the requisition is not a felony nor a crime within the meaning of the constitution; and that waiving all the defects in the affidavit, I cannot surrender the supposed fugitives to be carried to Virginia for trial under the statute of that state.

So far as my knowledge extends, no state has ever admitted the constitutional obligation to surrender its citizens to extend beyond the limits I have mentioned, although demands have been made in cases similar to the one under consideration. If I entertained doubts of the justness of the views I have expressed, I should be very unwilling to establish a precedent so full of danger to the personal security of the citizens of this state.

I have addressed a letter to the recorder of New York to obtain a statement of the grounds upon which the prisoners were discharged. This statement I will send as soon as it shall have been received. I have to regret that Mr. Caphart, when he waited upon me, did not inform me of the term of the conditional imprisonment of the parties accused. No matter how great the inconvenience might have been, I should have decided the question before the liberation of the accused, or otherwise should have taken measures for their further confinement until my determination should have been made known. This circumstance, however, becomes unimportant under the views I have presented.

I have the honour to be,

Very respectfully,

Your obedient servant,

WILLIAM H. SEWARD.

The honourable HENRY L. HOPKINS,
Lieutenant Governor of the State of Virginia.

Governor of New York to the Lieutenant Governor of Virginia.

STATE OF NEW YORK.

EXECUTIVE DEPARTMENT, ALBANY, October 24, 1839.

SIR,

I have the honour to acknowledge the receipt of your communication of the 4th inst. in answer to my letter of the 16th of September last. I have bestowed upon it all the consideration required by the acknowledged importance of the subject, and by the high respect due to yourself and the enlightened state over which you preside. My opinions having already been fully communicated, it remains for me on the present occasion only to notice some misapprehensions of them which appear in your letter, and to reply to so much of your argument as has not been anticipated.

You very justly observe that "neither the government nor the citizens of any other country can rightfully interfere with the municipal regulations of any country in any way;" and in support of this position you introduce the following extract from Vattel's law of nations: "It is an evident consequence of the liberty and independence of nations" (says Vattel) "that all have a right to be governed as they think proper, and that no state has the smallest right to interfere in the government of another. Of all the rights that can belong to a nation, sovereignty is doubtless the most precious, and that which other nations ought the most scrupulously to respect if they would not do her an injury."

It might perhaps be inferred from the earnestness with which these principles are pressed in your communication that they had been controverted on my part. Permit me therefore to bring again before you the following distinct admissions. "I do not question the constitutional right of a state to make such a penal code as it shall deem necessary or expedient, nor do I claim that citizens of another state shall be exempted from arrest, trial and punishment in the state adopting such code, however different its enactments may be from those existing in their own state." Thus you will perceive that I have admitted the sovereignty of the several states upon which you so strenuously insist. To prevent however all possible misconstruction on this subject, I beg leave to add that no person can maintain more firmly than I do the principle that the states are sovereign and inde-

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pendent in regard to all matters except those in relation to which sovereignty is expressly, or by necessary implication, transferred to the federal government by the constitution of the United States. I have at least believed that my non-compliance with the requisition made upon me in the present case would be regarded as maintaining the equal sovereignty and independence of this state, and by necessary consequence those of all the other states.

The conditional provision involved in the discussion is as follows: "A person charged in any state with treason, felony or other crime, who shall flee from justice and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime."

We agree as I am very happy to perceive, in the position that the object of this provision was to recognize and establish between the states, as equal and independent sovereign communities, the mutual right and obligation to demand and surrender fugitives from justice as they exist between independent nations by the law of nations. It is therefore of great importance to understand correctly the right and obligation as they exist in the law of nations.

You introduce and mark as especially important the following extract from Vattel: "If the offended state has in her power the individual who has done the injury, she may without scruple bring him to justice and punish him. *If he has escaped and returned to his own country she ought to apply to his sovereign to have justice done in the case.* And since *the latter* ought not to suffer his subjects *to molest* the subjects of *other states* or to *do them an injury*, much less to give open, audacious offence to foreign powers, he ought to compel the transgressor to make reparation for the damage or injury if possible, or to inflict on him an exemplary punishment, or finally according to the nature and circumstances of the case, *to deliver him up to the offended state to be there brought to justice.*"

With the most respectful deference I cannot admit that this authority supports the position you assume, to wit, that it is the duty of the state upon which a requisition is made to deliver up its citizens when charged with any crime, without reference to the nature of the offence. Vattel asserts that the state to which the offending citizen belongs ought in some cases to compel the transgressor to make reparation for the damages or injury if possible; that in others it should inflict exemplary punishment; and finally, that in others to be determined by the nature and circumstances of the case, it must deliver him up to the offending state to be brought to justice. It is only asserted that an obligation rests upon the state of the offending party not to suffer its subjects to molest the subjects of other states or to do them an injury, much less to give open, audacious offence to foreign powers. But it is not explained by the author in what cases that obligation may be discharged by compelling the transgressor to make reparation; in what cases by the infliction of exemplary punishment; and finally, in what cases it can only be performed by surrendering the offender to the offended state. If any inference can be drawn from the passage quoted to direct us in the classification of these cases, it would seem to be that the classification must be made according to the severity of the different remedies prescribed, that the sovereign should compel the offender to make reparation for molesting the subjects of another state, should inflict exemplary punishment for injury to the subjects of another state, and should deliver up the transgressor for open, audacious offence to a foreign power. It is true that the constitution adopts only one of the remedies mentioned by Vattel. That one is the severe and final remedy of delivering the transgressor to the offended state. But it cannot therefore be maintained that the constitution intends to prescribe the final remedy for all the offences mentioned by the author. The constitution speaks only of treason, felony and other crimes, whereas Vattel's enumeration contains cases which do not fall within the legal definition either of treason, felony or crime. There may be acts of molestation of the subjects of other states, and there may be injuries to such subjects which are merely personal and are the subjects of civil prosecution. In regard to all such offences it is to be inferred that the constitution rejects them as not requiring redress, or as proper to be left to the ordinary legal remedies, rather than that it constitutes them crimes and applies to them the final remedy before mentioned.

You have introduced also the authority of chancellor Kent, whose opinions are as highly respected as his fame is universally cherished by the citizens of this state. "It has some time been made a question how far one government was bound by the law of nations, and *independent of treaty*, to surrender upon demand fugitives from justice, who having committed crimes in one country flee to another for shelter. It is declared by the public jurists that *every state is bound to deny an asylum to criminals;* and upon application and due examination of the case, to surrender the fugitive to the foreign state *where* the crime was committed. The language of the authorities is clear and explicit, and the law and usage of nations rest on the plainest principles of justice. It is *the duty* of the government *to surrender* up fugitives upon demand after the civil magistrate shall have ascertained the existence of *reasonable grounds for the charge, and sufficient to put the accused upon his trial.*" If this language of chancellor Kent's seems to support your position, I must beg leave to insist upon the whole of the chancellor's exposition of the subject. The chancellor continues the discussion by saying; "the only difficulty in the absence of positive agreement consists in drawing the line between the classes of offences to which the usage of nations does and to which it does not apply, inasmuch as it is understood in practice to apply only to crimes of great atrocity or deeply affecting the public safety." In accordance with chancellor Kent's exposition

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are the views presented by other writers of great authority. Grotius admits that for some ages past the right of demanding fugitive delinquents has not been insisted on in most parts of Europe, except in crimes against the state or those of a very heinous nature. As for lesser faults they are connived at on both sides unless it is otherwise agreed on by some particular treaty. You will permit me here to say with all respect that it is the "usage of nations," as it is "understood in practice" that we are seeking to ascertain, and that the difficulty in the present case is the very difficulty mentioned by chancellor Kent. The chancellor seems to consider that the difficulty was removed by an act of the legislature of this state, which defined the class of offences to which "in practice" the "usage of nations" applies. He says, "The act of the legislature of New York of the 5th of April 1822, ch. 148, gave facility to the surrender of fugitives by authorizing the governor in his discretion, on requisition from a foreign government, to surrender up fugitives charged with murder, forgery, larceny or other crimes which by the laws of this state were punishable by death, or imprisonment in the state prison, provided the evidence of criminalty was sufficient by our laws to detain the party for trial on a like charge." I admit that in the discussion of a question between Virginia and New York growing out of a difference in their respective laws, it would be unreasonable to expect you to admit the authority of the legislature of this state. But reference having been made by yourself to the authority of chancellor Kent, it will not be denied that a legislative exposition adopted by the chancellor is entitled at least to the same weight as the individual opinions of the same learned author.

Having thus incidentally introduced this legislative exposition of the law of nations, you will permit me to say that as an executive officer of this state I am bound to regard it with very great deference, and the argument must be conclusive which shall prevail upon me to act in opposition to the principle of its provisions. The question under consideration, stated in the language of chancellor Kent, would be whether the crime mentioned in your requisition is a crime of "great atrocity or deeply affecting the public safety." I must respectfully insist that I cannot as a magistrate and in a case involving the liberty of citizens of this state admit that act to be a crime of this character, which the laws of this state do not pronounce to be even a crime.

You observe in the next place that "the principle is greatly enlarged in its application to those countries situated near each other, and whose citizens are engaged in constant negotiations or frequent intercourse the one with the other. In such cases the duty of each sovereign to restrain his subjects from interfering with those of the other becomes indispensably necessary to secure the blessings of peace and to avoid the evils of a constant state of war." I understand you to maintain that this usage of the law of nations applies to every act which any state may choose to declare a crime. It follows that the state may enlarge the application of the usage at its pleasure without reference to the laws of the state whose citizens may become subjects of demand, without regard to the atrocity or dangerous tendency of the crime, and without reference to the general sentiments of mankind. I confess that it seems to me that the usage, if it be thus broad, is incapable of enlargement.

In the second place, the laws of nations, although they have not the forms, have all the certainty and universality of other laws, and can only be changed, as all other laws may, by the general consent of those by whom they are supposed to have been established. The application of the usage is the same whether states are nearly or remotely situated, whether commercial or other intercourse between the citizens of such states is more or less frequent.

In support of the enlargement for which you contend you quote from Vattel: "The matter is carried still farther in states that are more closely connected by friendship and good neighbourhood. Even in cases of *ordinary transgressions*, which are only subjects of civil prosecution, either with the view to the *recovery of damages*, or the *infliction of a slight civil punishment*, the subjects of two neighbouring states are *reciprocally obliged to appear before the magistrate of the place where they are accused of having failed in their duty*. Upon a requisition of that magistrate, called Letters Rogatory, they are summoned in due form by their own magistrates and obliged to appear. An admirable institution, by means of which many neighbouring states live together in peace, and seem to form only one republic. This is in force throughout all Switzerland. As soon as the Letters Rogatory are issued in form, the superior of the accused is bound to enforce them. *It belongs not to him to examine whether the accusation be true or false.* He is to presume on the justice of his neighbour, and not suffer any doubts on his part to impair an institution so well calculated to preserve harmony and good understanding between the states." The name of "Letters Rogatory," and the remarks that this is "an admirable institution," and that it is "in force throughout all Switzerland," are sufficient to shew without other proof that the usage or practice here described by the learned author is not an enlargement of the law of nations, but that it is a municipal institution established by the contract of federation between the Swiss cantons, and that the law of nations is thus superceded by a written law, or, as we should describe it, a constitution.

Assuming, however, that the usage of nations is thus enlarged in its application to states situated near each other or between whose citizens commercial or other intercourse is frequent, you proceed to observe: "If this then be the law which experience has proven to be wise and salutary in its operation, and which ought to govern the relations of neighbouring states ordinarily, and if the liberal and prompt surrender of fugitives from justice has been found to be so essential in preserving peace between them, surely every consideration of philanthropy, patriotism and public duty requires that no impediment should be interposed to its full and free operation among

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the states of our federal union. Whilst I might, therefore, proceed to show that this principle of international law, in the absence of all positive agreement, applies in full force and with peculiar fitness to the relations of the twenty-six states of our confederacy, it fortunately becomes unnecessary to do so from the fact that the states themselves have long since converted the abstract principle into an express provision of their fundamental law." If it be implied that the institution of Letters Rogatory, which prevails in Switzerland, would be in harmony with our constitution, or consistent with the public welfare, I must respectfully dissent from that opinion. The Swiss institution you will observe, embraces not only all crimes, but also ordinary transgressions which are only subjects of civil prosecution, either with a view to the recovery of damages or the infliction of a slight civil punishment. Including not only all felonies, but descending below the grade of misdemeanours, it takes hold of seduction, replevin, ejectment and every other form of trespass, and even trover, slander, fraud and every form of trespass on the case. In short it embraces every act denominated in law a tort. No matter how trivial the complaint, how private the injury, or how peculiarly it may be the subject of civil prosecution, the citizens of the states are "reciprocally obliged to appear before the magistrate of the place where they are accused of having failed in their duty." "As soon as the Letters Rogatory are issued in form, the superior of the accused is bound to enforce them. It belongs not to him to examine whether the accusation be true or false. He is to presume on the justice of his neighbour, and not suffer any doubts on his own part to impair an institution so well calculated to preserve harmony and good understanding between the states." I respectfully submit that the operation of such a system in this country so far from maintaining peace and harmony between the states would involve them immediately in irreconcilable feuds.

The constitution of the United States confides to the courts of the United States the duty of affording redress between citizens of different states for ordinary transgressions which are only subjects of civil jurisdiction, and the municipal arrangement existing between the Swiss cantons, is as unnecessary as it would be inconvenient and dangerous.

You will not fail to remark moreover the very philosophical and sagacious author's remark that such is the effect of the institution of Letters Rogatory that the several communities of Switzerland "seem to form only one republic." It was the object of our constitution, on the contrary, to maintain the states for all purposes except those of a federal character, and especially in relation to the administration of municipal laws as separate, equal and independent republics.

You state my proposition correctly in saying that according to my construction of the article, "the terms '*treason, felony, or other crime,*' although comprehensive enough to embrace all criminal offences and to reach all fugitives from justice, must be so restricted and interpreted as to include *only such offences* as '*are recognized as crimes by the universal law of all civilized countries.*'" This restriction you cannot but admit is more liberal than that applied by chancellor Kent to the "usage of nations" when reduced to "practice." For he excludes all offences which, although they are recognized as crimes by the universal law of all civilized countries, are not offences of great atrocity or deeply affecting the public safety.

The object of the constitutional provision was to provide for the delivery of persons charged with treason, felony or other crime. Suppose a requisition to be made for a person who has committed an offence which constitutes neither treason nor felony. The question then is whether the act charged is a crime. How is it to be decided? If we set aside divine revelation, it seems to me that it can only be determined by reference to the moral sense of men. That moral sense must be obtained not from the sentiment of one state or people, but from the universal sentiment of mankind, and this universal sentiment is most certainly inferred from the universal laws of civilized countries. For all civilized communities forbid what they deem to be morally wrong or injurious.

Proceeding to controvert the principle I have adopted by the inconveniences which may be expected to result from it, you observe: "Thus the citizens of Pennsylvania and Ohio may enter the territory of New York, and commit a thousand offences made criminal by your laws, to the great annoyance and injury of your people, but if they happen to be crimes peculiarly affecting the inhabitants of New York, or of a grade or character each 'not recognized as crimes by the universal law of all civilized countries,' you may in vain demand their surrender. You may punish your own citizens for committing similar offences, but those of other states who entered your territory for the predetermined purpose of violating your laws, injuring the rights and disturbing the repose of your peaceful and unoffending countrymen, may flee from your state exulting in their crimes, and it is neither your right to demand nor the duty of their governor to surrender them for trial and punishment. Such a construction of the clause in question would utterly defeat the object of those wise and sagacious statesmen who framed the federal compact, and instead of promoting peace between the states, would in my humble judgment cherish a constant state of excitement and collision between them." Undoubtedly the principle must be universal and must be applied to requisitions made by this state as well as those made upon it. But I cannot admit, as you are pleased to suppose, that there could be a thousand offences, or even one offence, which would annoy and injure the citizens of this state, and yet which should not be recognized as criminal by the universal law of all civilized countries. Neither can I admit, that in cases of this kind the want of power to reclaim fugitives from justice would be so deplorable a calamity as you suppose, because in most cases the offender may

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be arrested and punished within the state. And as the chief object of punishment is not revenge or retaliation, but the prevention of crime, the occasional escape of a transgressor would not greatly affect the supremacy of the laws. Nor can I admit that its practical operation would be unequal in regard to the citizens of the offended state and the citizens of other states. Both would be brought to punishment within the jurisdiction of the offended state, if arrested therein, and all would alike go unpunished if they should escape pursuit.

Let us now enquire what would be the consequences of your position. By the laws of this state the following offences are declared to be misdemeanors, that is, crimes of a grade lower than felony. They are not crimes of "great atrocity or deeply affecting the public safety," nor are they crimes "punishable with death or imprisonment in the state prison," so that they would not be subjects of demand under the usage of nations, as expounded by chancellor Kent, or as recognized by the laws of this state. Petit larceny; extorting by threatening letters; making conveyances to defraud creditors; concealment of property by insolvent debtors; buying lands in suit; buying a pretended title; dispossessing occupant of lands under pretended process; levying on property under such process; racing animals near court; contempts of court; malicious trespass on lands; malicious injuries to fruit trees; severing produce from the soil; posting another for not fighting a duel; posting another for not sending a challenge; reproaches written or printed for not fighting a duel; intoxicated persons administering medicine; cruelty to animals; auctioneers neglecting to make reports; transacting business in the name of a party not interested; wantonly opening a lock on a canal; town clerks neglecting to return names of constables; any violation of health laws; entering the quarantine ground without authority; keepers of boarding houses neglecting to report foreigners arriving by sea; ferrying without license; selling goods by auction in violation of auction law; auctioneer selling goods except in the day time; adulterating distilled spirits or selling such spirits; defacing mile stones; cheating at play; winning or losing more than twenty-five dollars in twenty-four hours; driver of a carriage running his horses; negligently suffering fire to run beyond one's own land; setting up or drawing lotteries; selling or buying tickets in such lotteries; racing of animals; and all offences against the laws relating to excise and to the regulation of taverns and groceries. Undoubtedly the legislature of every one of the twenty-six states in the Union has defined about an equal number of petty offences. Can it be possible that the article of the constitution was intended to establish a system of police by which the citizens of the respective states should at the pleasure of magistrates of other states be transported as criminals to other states upon charges for offences of this description? Yet this must be true, unless in the language of chancellor Kent, "a line be drawn between the classes of offences" to which the constitutional provision does and to which it does not apply. In drawing this line for my own guidance in the exercise of this power, I have looked in vain for any rule more safe, more liberal, or less calculated to give just offence than that insisted upon in my former letter, to wit, to confine the application of the constitutional provision to those offences which are forbidden by the laws of this state, and when the principles of these laws conflict with those of the laws of other states to refer the question to the test of the laws of all other civilized countries.

You observe, "I do not mean to be drawn into a discussion of the abstract right of slavery, or to urge any arguments against the right or propriety of any nation or people to interfere with our domestic institutions. That, I assure you, sir, with all possible deference, is not with the people of Virginia a debatable question. Upon that subject I would only add, *Virginia knows her rights and will at all times maintain them.* But when we remember that slavery has existed in almost every civilized country since the foundation of the world, that it was recognized and not forbidden by the Saviour of mankind, that it was for a long series of years recognized and tolerated by the legislature of New York, when its citizens were as *good, virtuous* and *wise* as they are *now*, that it has existed in this state continuously for more than two hundred years, that it still exists in one half of the states of this Union, and that it is recognized and tolerated by the constitution of the United States, the common government of all the states, you will pardon me for denying the claim of authority in New York to pronounce the laws of Virginia upon that subject null and void, because she has thought proper to abolish slavery within her own dominions." I am not aware, sir, that in the letter which I had the honour to address to you, I manifested a disposition to invite you to a discussion of the rightfulness, abstract or otherwise, of slavery. You will excuse me, therefore, for confining myself within the range required by my argument, and from following even as far as you have led the way into the discussion of a subject which it is fair to infer from your protest you do not consider to be necessarily involved in the question under consideration.

You proceed to say, "It is true that the offence committed by Peter Johnson, Edward Smith and Isaac Gansey is not recognized as criminal 'by the universal law of all civilized countries.' They are charged with *feloniously stealing* from John G. Colley, a citizen of this state, property which could not have been worth less than some *six* or *seven hundred dollars.* And I understand *stealing* to be recognized as *crime* by all laws human and divine." It is freely admitted that the argument would be at an end if it were as clear that one human being may be the property of another as it is that stealing is a crime. On the contrary however, I must insist with perfect respect that the general principle of civilized communities is in harmony with that which prevails in this state, that men are not the subjects of property, and of course that no such crime can exist in countries where that principle prevails as the felonious stealing of a human being considered as property. I do not intend here to draw in question the wisdom or the virtue of those states which establish an opposite principle. On this

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subject my opinions as a functionary charged with the execution of the laws are as unimportant as the subject is foreign to our discussion. It would be presumptuous if not discourteous to intrude them upon you.

I subscribe fully to the principle that it is of the essence of sound construction that the obligations of the constitution should be made to apply uniformly and equally to all the states and their citizens respectively. Such uniformity and equality permit me to say cannot be secured if any state can extend the operation of the provision at its pleasure by making that criminal which is not prohibited by the laws of other states, or by the univeral laws of civilized men.

In conclusion I hope I have not been unsuccessful in shewing that the principle I have adopted is in perfect harmony with the law of nations as adopted by the legislature of this state, as laid down by Vattel and expounded by chancellor Kent, and as most safe and proper in reference to the rights of citizens and the harmony of the Union. While I am required by the constitution to deliver up any fugitives from justice who may be found in this state charged with having committed treason, felony or other crime in any other state, I am also bound as an executive magistrate to respect the liberty and protect the rights of the citizens of this state. I admit that the constitution of the United States is paramount in this respect to the laws of both states, and the word "crime" there employed has its meaning independent of the legislature of either or both states. The charge you prefer against three citizens of this state although a felony in Virginia, imports no crime in this state. In this conflict of legislation between the two states I have endeavoured to refer to the only rules by which in my judgment the constitution can be expounded. The meaning of the constitution being thus ascertained it seems my duty to decline to deliver the persons you demand to be carried out of the protection of the state of which they are citizens, and tried for the offences charged upon them.

I have received from the recorder of the city of New York a statement of his reasons for discharging the three persons claimed as fugitives from justice of which I herewith transmit a copy.

I have great satisfaction in reciprocating your assurances of high respect and consideration.

WILLIAM H. SEWARD.

The honourable HENRY L. HOPKINS,
Lieutenant Governor of the State of Virginia.

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BANK RETURNS.

NORTHWESTERN BANK OF VIRGINIA,
WHEELING, April 20th, 1839.

DAVID CAMPBELL, Esq. *Governor.*

DEAR SIR,

I enclose herewith our statement of this bank.

Yours respectfully,

JOHN LIST, *Cashier,*
By H. D. BROWN.

State of the NORTHWESTERN BANK OF VIRGINIA, *including Branch at Wellsburgh, April 1st,* 1839.

Bills discounted:				Capital stock,		710,300 00
Promissory notes,	643,798 68			Bills in circulation:—$ 5 notes,	143,555 00	
Bills of exchange, (of which $ 1100 is bad.)	169,881 55			10 "	99,020 00	
		813,680 23		20 "	21,020 00	
Real estate,		18,394 18		50 "	8,650 00	
Due by the commonwealth of Virginia, balance on stock,		92,192 00				272,245 00
Due by other banks,		32,984 38		Due commonwealth of Virginia on account of bonus,		18 50
Due by Wheeling savings institution,		865 15		Surplus fund,		10,268 42
Due by pension agency,		1,772 35		Discount received,		9,425 60
Expense account,		1,733 80		Exchange account,		1,576 58
Specie—silver and gold,		106,801 36		Premium account,		1,713 47
Bank notes—incorporated by this state,	5,605 00			Due to other banks,		30,422 41
Ditto, incorporated by other states,	62,647 00			Due to post office department,		52 84
		68,252 00		Due to depositors,		100,652 63
		$ 1,136,675 45				$ 1,136,675 45

The dividend declared for the last six months was three per cent.

OHIO COUNTY, *Virginia:*

Personally appeared before me the subscriber, a justice of the peace for said county, John List, cashier, who being duly affirmed according to law, declared that the foregoing statement was just and true to the best of his knowledge and belief.

Given under my hand this 9th day of April 1839.

GEO. DULTY, *J. P.*

Attest—ARCH'D WOODS,
WM. PAXTON,
SAM. SPRIGG,
THOS. JOHNSTON,
R. C. WOOD,
THOMAS PAULL,
} *Directors of the Northwestern Bank of Virginia.*

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NORTHWESTERN BANK OF VIRGINIA,
WHEELING, July 26th, 1839.

DAVID CAMPBELL, Esq. *Governor.*

DEAR SIR,

I enclose statement of this institution on the 1st instant.

It would have been transmitted at an earlier day, but I have just returned from an *unsuccessful* mission to sell the state securities. All is derangement, and worse may be looked for.

I am yours,

Very respectfully,

J. LIST, *Cashier.*

State of the NORTHWESTERN BANK OF VIRGINIA, *including Branch at Wellsburgh, July 1st,* 1839.

Bills discounted:				Capital stock,		713,800 00
Promissory notes,	598,590 96			Bills in circulation:—$ 5 notes,	83,975 00	
Bills of exchange, (of which $ 1100 is bad.)	176,806 08			10 "	97,810 00	
		775,397 04		20 "	23,180 00	
Real estate,		18,406 18		50 "	12,800 00	
Due by commonwealth of Virginia, balance on stock,		92,282 00				217,765 00
Due by other banks,		56,399 71		Due commonwealth of Virginia on account of bonus,		50 50
Specie—silver and gold,		127,373 02		Surplus fund,		14,347 36
Bank notes—incorporated by this state,	7,090 00			Due to other banks,		35,593 30
Ditto, incorporated by other states,	55,997 00			Due to Wheeling savings institution,		2,654 59
		63,087 00		Due to pension agency,		1,824 17
				Due to depositors,		146,910 03
		$ 1,132,944 95				$ 1,132,944 95

Dividend for the last six months was three per cent.

The amount of profits arising from premiums and exchanges for the last six months was $ 5857 02.

Attest—ARCH'D WOODS,
SAM. SPRIGG,
R. C. WOOD,
THOMAS PAULL,
WM. B. ATTERBURY,
WM. PAXTON,
} *Directors of the Northwestern Bank of Virginia.*

Wheeling, Va.

OHIO COUNTY, *Commonwealth of Virginia:*

Personally appeared before me the subscriber, a justice of the peace for said county, John List, cashier, who being duly affirmed according to law, declared that the foregoing statement was just and true to the best of his knowledge and belief.

Given under my hand this 25th July, A. D. 1839.

GEO. DULTY, *J. P.*

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NORTHWESTERN BANK OF VIRGINIA,
WHEELING, October 17, 1839.

D. CAMPBELL, Esq.

DEAR SIR,

I enclose the statement of this institution.

And am,

Yours very respectfully,

J. LIST, *Cash'r.*

State of the NORTHWESTERN BANK OF VIRGINIA, *including Branches at Wellsburgh and Parkersburg, October 1st*, 1839.

Bills discounted:				Capital stock,			726,611 08
Promissory notes,	635,050 36			Bills in circulation,	$5 notes,	57,645 00	
Bills of exchange, (of which $1100 is bad.)	167,052 14				10 "	128,950 00	
		802,102 50			20 "	19,000 00	
Real estate,		18,586 18			50 "	16,450 00	
Virginia 6 per cent. stock,		88,582 00					222,045 00
Due by other banks,		32,603 49		Due commonwealth of Virginia on account of bonus,			50 50
Expense account,		3,432 98		Surplus fund,			14,346 96
Specie—silver and gold,		132,238 24		Discount received,			10,107 24
Bank notes incorporated by this state,	16,616 00			Exchange account,			1,282 28
Bank notes incorporated elsewhere,	30,349 00			Premium account,			1,316 32
		46,965 00		Due to other banks,			31,500 16
The dividend declared for the last 6 months, ending July 1st, was 3 per cent.				Due to Wheeling savings institution,			702 79
				Due to pension agency,			4,201 88
The amount of profits arising from premiums and exchange for the last 3 months was	2,598 60			Due to depositors,			112,346 18
		$1,124,510 39					$1,124,510 39

Attest—SAM. SPRIGG,
WM. B. ATTERBURY,
WM. PAXTON,
DANIEL CRUGER,
R. C. WOOD,
THOMAS PAULL.

Directors of the Northwestern Bank of Virginia.

OHIO COUNTY, *Virginia:*

Personally appeared before me the subscriber, a justice of the peace for said county, John List, cashier, who being duly affirmed according to law, declared that the foregoing statement was just and true to the best of his knowledge and belief.

Given under my hand this 16th day of October 1839.

GEO. DULTY, *J. P.*

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MERCHANTS AND MECHANICS BANK,
WHEELING, July 9th, 1839.

His Excellency DAVID CAMPBELL, *Governor.*

DEAR SIR,

I herein enclose a statement of the affairs of this bank, certified by the directors, agreeably to the 12th section of the charter.

I have the honour to be,

With great respect,

Your ob'dt serv't,

S. BRADY, *Cashier.*

Semi-annual state of the MERCHANTS AND MECHANICS BANK OF WHEELING, *and of its Office of Discount and Deposite at Morgantown, 8th July* 1839.

Domestic bills discounted, viz:				Capital stock, - -		500,000 00
Incorporated companies,	31,624 54			Capital stock owned by the commonwealth, - -		10,500 00
Personal security and real estate,	561,093 21					510,500 00
		592,717 75		Notes issued, - -		497,040 00
Foreign bills discounted,		278,615 35		Notes on hand, - -		143,455 00
			871,333 10			353,585 00
Stock owned by this bank, - -			25,467 90	Small notes, 1's and 2's issued,		19,100 00
Bonds taken in payment of real estate sold, -			6,390 00	on hand,		368 00
Building committee, - -			90 66			18,732 00
Commonwealth of Virginia, - -			420 00	Post notes in circulation, - -		21,220 00
Due from banks, - - -			135,192 59	Dividends unclaimed, -		745 00
Real estate:				Dividend declared this day, 4 per cent.,	20,420 00	
Wheeling banking house and lot,	18,445 52			Less on 248 shares stock owned by the bank,	992 00	
Morgantown do.	7,554 17					19,428 00
		25,999 69				20,173 00
Iron chests, bank furniture, &c., -			1,190 00	Unclaimed interest due to stockholders, -		25 00
Protest account, fees unpaid, - -			255 89	Due to banks, - - -		116,062 74
Suspense account, - -			440 33	United States engr. dept., - -		00 37
Cash, viz:				Individual deposites, - -		62,110 83
Notes and checks of other banks,	16,184 37			Contingent fund, - -	48,506 26	
Gold and silver, -	71,819 85			Added this day, - -	3,860 18	
		88,004 22				52,366 44
		$1,154,784 38				$1,154,784 38

Merchants and Mechanics Bank, Wheeling, 8th July 1839.

We do hereby certify that the above exhibits a true statement of the affairs of this bank as taken from the books thereof.

DAVID AGNEW,
JOHN RITCHIE,
W. T. SELBY,
MOSES M. CHAPLINE,
J. CALDWELL,
CHARLES D. KNOX,
SAM'L NEEL,
MARK DOUGLASS,
J. UPDEGRAFF.

OHIO COUNTY, *City of Wheeling, ss:*

Before me, Geo. W. Wilson, a justice of the peace for the county aforesaid, came S. Brady, cashier of the Merchants and Mechanics Bank, and affirmed according to law that the above statement of the said bank is true according to the best of his knowledge and belief. Witness my hand this 9th July 1839.

GEO. W. WILSON.

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State of the ***BANK OF THE VALLEY*** *in Virginia, including its Offices of Discount and Deposite April* 1, 1839.

Specie,			262,945 73	Capital stock,			690,000 00
Notes of banks "incorporated by the state,"			22,140 94	State loan,			370,000 00
Notes of banks "incorporated elsewhere,"			135,179 91	Notes in circulation:			
Due from other banks,			476,435 76	In notes of $ 100 each,		39,400 00	
Notes discounted,			1,403,083 74	In notes of 50 "		71,500 00	
Inland bills discounted,			297,756 76	In notes of 20 "		586,990 00	
Bond accompt,			6,568 01	In notes of 10 "		283,400 00	
Stock,			15,000 00	In notes of 5 "		200,700 00	
Real estate—4 banking houses,			36,137 93	In notes of 2 "		14,218 00	
Real estate purchased to secure debt,			1,047 50	In notes of 1 "		7,704 00	
Bad debts,		3,377 72					1,203,912 00
Doubtful debts,		7,971 89		Due to other banks,			15,206 38
				Discount,			25,946 60
				Contingent fund,			21,933 50
				Deposit money,			329,297 89
			$ 2,656,296 37				$ 2,656,296 37

OBED WAITE, *Pres't.*

A. S. BALDWIN, DANIEL GOLD, JACOB BAKER, | T. A. TIDBALL, WM. STEPHENSON, JOHN MILLER, } *Directors.*

VIRGINIA, *Frederick County, set:*

This day HENRY M. BRENT, cashier of the Bank of the Valley in Virginia, personally appeared before the subscriber a justice of the peace in and for said county, and made oath that the above exhibits a true state of the said bank on the 1st day of April 1839 to the best of his knowledge and belief.

Given under my hand this 25th day of April 1839.

THO'S CRAMER.

State of the ***BANK OF THE VALLEY*** *in Virginia, including its Offices of Discount and Deposite June* 1, 1839.

Specie,			264,399 22	Capital stock,			690,000 00
Notes of banks "incorporated by the state,"			31,914 46	State loan,			370,000 00
Notes of banks "incorporated elsewhere,"			141,609 90	Notes in circulation:			
Due from other banks,			316,458 94	In notes of $ 100 each,		28,200 00	
Notes discounted,			1,318,924 39	In notes of 50 "		53,550 00	
Inland bills discounted,			258,781 24	In notes of 20 "		417,960 00	
Bond accompt,			6,568 10	In notes of 10 "		233,070 00	
Stock,			15,000 00	In notes of 5 "		168,817 50	
Real estate—4 banking houses, cost			36,137 93	In notes of 2 "		12,646 00	
Real estate purchased to secure debt,			1,047 50	In notes of 1 "		6,914 00	
Bad debts,		5,597 92					921,157 50
Doubtful debts,		7,401 01		Due to other banks,			11,691 57
				Discount,			40,534 74
				Contingent fund,			21,933 50
				Deposit money,			335,524 37
			$ 2,390,841 68				$ 2,390,841 68

OBED WAITE, *Pres't.*

DANIEL GOLD, JACOB BAKER, T. A. TIDBALL, JOHN IRWIN, | JOHN MILLER, WM. STEPHENSON, D. W. BARTON.

VIRGINIA, *Frederick County, set:*

This day HENRY M. BRENT, cashier of the Bank of the Valley in Virginia, personally appeared before the subscriber a justice of the peace in and for the county aforesaid, and made oath that the above account exhibits a true statement of the condition of said bank on the 1st day of June 1839 to the best of his knowledge and belief.

Given under my hand this 19th day of June 1839.

THO'S CRAMER.

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CONDITION OF THE EXCHANGE BANK OF VIRGINIA.

At a meeting of the Board of Directors of the EXCHANGE BANK OF VIRGINIA *on Wednesday the 17th of April* 1839:

Present,— SWEPSON WHITEHEAD, *President*,

RICHARD DICKSON,	GEORGE M'INTOSH,
THOMAS F. ANDREWS,	JAMES CORNICK,
SAMUEL W. PAUL,	JOHN SOUTHGATE.

The following was adopted:

A statement of the condition of this bank as it existed on the 1st day of April 1839, signed by six of the board of directors thereof, and the president and cashier, verified by the oath of the cashier, was exhibited, and being an accurate and just statement of the condition of said bank as aforesaid, it is ordered to be forwarded to the executive in obedience to the provisions of the 6th section of the act of the 22d of March 1837, entitled "an act establishing general regulations for the incorporation of banks."

A true copy from the record.

W. SOUTHGATE, *Cashier.*

EXCHANGE BANK OF VIRGINIA, APRIL 17, 1839.

SIR,

In compliance with the annexed order of the board of directors, I have the honour to hand you herewith the quarterly statements of this bank.

Very respectfully,

Your most obedient servant,

W. SOUTHGATE, *Cashier.*

To his Excellency DAVID CAMPBELL, *Governor of Virginia.*

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GENERAL STATEMENT of the Condition of the EXCHANGE

LOANS IN	Local notes and bills.	Domestic bills.		
At Exchange Bank, - -	541,939 76	126,220 84	668,160 60	
office, Richmond, - -	363,421 18	195,426 22	558,847 40	
" Petersburg, - -	249,016 25	206,960 32	456,976 57	
" Clarkesville, - -	111,605 04	124,811 32	236,416 36	
	1,265,982 23	653,418 70		1,919,400 93
On personal security, - - -	-	-	1,738,531 52	
Personal security and stock pledged,	-	-	149,599 41	
Do. do. and deeds of trust,	-	-	31,270 00	
Foreign bills of exchange, -	-	-		9,744 43
Due from other banks, account current,	-	-	78,119 80	
Do. do. in notes, -	-	-	82,784 00	
				160,903 80
		2,090,049 16		
Real estate at Exchange Bank of Virginia,	-	-	15,354 68	
Do. office of do. Clarkesville,	-	-	6,204 51	
				21,559 19
Expenses at Exchange Bank and branches,	-	-		10,819 71
Specie at Exchange Bank of Virginia,	-	-	154,019 84	
Do. office in Richmond, -	-	-	59,689 88	
Do. do. Petersburg, -	-	-	91,332 44	
Do. do. Clarkesville, -	-	-	43,354 06	
				348,396 22
Do. in gold, - -	-	-	251,451 93	
Do. in silver and cents, -	-	-	96,944 29	
				$2,470,824 28

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BANK OF VIRGINIA AND BRANCHES, on the 30th of March 1839.

Capital stock:				
Subscribed by the commonwealth of Virginia,	4500 shares,	450,000 00		
Do. by individuals, - -	7434 do.	743,400 00		
	11934 do.	or 1,193,400 00		
Less remaining unpaid by individual subscribers,	- -	20,955,11		
Amount paid in, - -	- -	1,172,444 89		
Additional stock to the state of Virginia, bonus,	- -	2,732 75		
				1,175,177 64
Provisionally assigned to office at Richmond,	287,708 33			
Do. do. do. Petersburg,	287,708 34			
Do. do. do. Clarkesville,	115,083 33			
And remaining at Exchange Bank, -	484,677 64			
Due the commonwealth of Virginia, dividend No. 1,	- -	-		12,375 00
Due to other banks, account current, -	- -	-		199,107 55
Circulation:				
At Exchange Bank, - -	-	172,195 00		
Office Richmond, - -	-	190,730 00		
Do. Petersburg, - -	-	205,150 00		
Do. Clarkesville, - -	-	160,690 00		
				728,765 00
Dividends unclaimed, - - -	- -	-		1,386 00
Individual deposits:				
At Exchange Bank, - -	- -	85,641 09		
Office Richmond, - -	- -	114,616 77		
Do. Petersburg, - -	- -	54,577 54		
Do. Clarkesville, - -	- -	20,444 39		
				275,279 79
	1,216,913 34			
Balances in accounts between the bank and branches,	- -	-		27,682 75
Contingent fund, - - -	- -	-		7,538 04
Discount and interest at Exchange Bank and branches,	- -	40,770 00		
Exchange, do. do.	- -	2,742 51		
				43,512 51
				$2,470,824 28

SN. WHITEHEAD, *President.*
W. SOUTHGATE, *Cashier.*

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REQUIRED BY LAW.

1. Amount of capital stock paid in,						1,172,444 89	
Additional—bonus to the state,						2,732 75	
							1,175,177 64
2. Value of real estate, cost,							21,559 19
3. Amount of stock subscribed,						1,193,400 00	
And remaining unpaid,						20,955 11	
4. Total amount of debts due to the bank,							2,090,049 16
5. Total amount of debts due from the bank, exclusively of stockholders,							1,216,913 34
6. Exchange—the dealings in exchange will appear in the account annexed.							
7. Bad and doubtful debts none.							
8. Amount of gold and silver coin, say, gold,						251,451 93	
silver and cents,						96,944 29	
							348,396 22
9. Amount of money deposited,							275,279 79
10. Amount of bills in circulation,							
	100's.	50's.	20's.	15's.	10's.		
Exchange Bank,	564	657	1489	1691	2780	172,195 00	
Office Richmond,	537	867	1626	1410	4001	190,730 00	
Do. Petersburg,	647	956	1733	1844	3033	205,150 00	
Do. Clarkesville,	677	836	914	1084	1665	160,690 00	
	2425	3316	5762	6029	11479		728,765 00
11. Bills on hand of solvent banks incorporated by this state,						60,937 00	
12. Do. do. do. elsewhere,						21,847 00	
							82,784 00
13. Rate and amount of dividend declared on 1st January last,							
On 10931 shares at $3 per share,						32,793 00	
Less bonus at 25 cents per share,						2,732 75	
Per share, nett $2 75,						30,060 25	
14. Surplus profit or contingent fund,							7,538 04

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DR. *EXCHANGE ACCOUNT.* CR.

At Exchange Bank:					
On $38664 73 northern funds at ¼, ⅜ and ½ per cent.,			178 45		
Loss on foreign exchange,			175 03		
Balance to credit,			1224 32		
			1577 80		
At Richmond office:					
On $47551 50 checks and drafts purchased,			276 00		
Loss on foreign exchange,			808 90		
Balance to credit,			1192 92		
			2277 82		
At Petersburg office:					
Loss on foreign exchange,			43 13		
Balance to credit,			245 47		
			288 60		
At Clarkesville:					
On $7816 99 northern funds, at ½ per cent.,			19 54		
Balance to credit,			79 80		
			99 34		
At Exchange Bank:					
On $156336 58 northern funds at ⅜, ½ and ½ per cent.,				993 79	
On 11400 00 southern funds at 3 per cent.,				342 00	
On 408 50	do.	at 2	do.	8 17	
5949 71	do.	at 1	do.	59 50	
17396 00	do.	at ½	do.	86 98	
Damages,				71 01	
Profit on gold,				16 35	
				1577 80	
					1224 32
At Richmond office:					
Balance 1st January last,				141 73	
On $239417 54 checks and notes sold at ¼ a 1 per cent.,				2136 09	
				2277 82	
					1192 92
At Petersburg office:					
Balance 1st January last,				7 68	
On $38623 00 northern funds at ½, ¾ and 1 per cent.,				280 92	
				288 60	
					245 47
At Clarkesville:					
Balance 1st January last,				3 58	
On $13294 89 northern funds at ½, ½, ¾ and 1 per cent.,				94 56	
On $120 uncurrent notes,				1 20	
				99 34	
					79 80
Amount of exchange,					$2742 51

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We the subscribers, directors of the Exchange Bank of Virginia, have examined the aforegoing account and statements, and certify that they exhibit an accurate and just statement of the condition of the bank as it existed on the 1st day of April 1839.

GEORGE M'INTOSH,
THOMAS F. ANDREWS,
JAMES CORNICK,
SAM'L W. PAUL,
JNO. SOUTHGATE,
RICHARD DICKSON.

NORFOLK BOROUGH, *To wit:*

This day personally appeared before me an alderman of said borough, Wright Southgate, cashier of the Exchange Bank of Virginia, who made oath that the annexed statements contain an accurate and just account of the state and condition of said bank as it existed on the 1st day of April 1839.

Given under my hand this 15th day of April 1839.

G. B. COOKE.

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At a meeting of the Board of Directors of the EXCHANGE BANK OF VIRGINIA *on the 24th of July* 1839:

A statement of the condition of the bank as it existed on the 1st day of July 1839, signed by six of the board of directors thereof, and verified by the oath of the cashier, was exhibited, and being an accurate and just statement of the condition of said bank as aforesaid, it is ordered to be forwarded to the executive in obedience to the provisions of law.

A true copy from the minutes.

W. SOUTHGATE, *Cashier.*

EXCHANGE BANK OF VIRGINIA, JULY 24, 1839.

SIR,

In compliance with the preceding order of the board of directors, I have the honour to hand you herewith the quarterly statement of the condition of this institution.

Respectfully yours,

W. SOUTHGATE, *Cashier.*

To his Excellency DAVID CAMPBELL, *Governor of Virginia.*

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GENERAL STATEMENT of the Condition of the EXCHANGE

	Loans in	Local notes and bills.	Domestic bills.	
At Exchange Bank, - -	493,288 19	146,196 77	639,484 96	
office Richmond, - -	356,823 44	265,321 88	622,145 32	
" Petersburg, - -	248,199 90	251,465 10	499,665 00	
" Clarkesville, - -	158,232 86	72,964 91	231,197 77	
	1,256,544 39	735,948 66		1,992,493 05
On personal security, - - - - -			1,795,479 82	
Personal security and stock pledged, - - -			168,933 23	
Do. do. and deeds of trust, - - -			28,080 00	
				2,222 22
Foreign bills of exchange, - - - -				
Stock issued by the commonwealth of Virginia, - - -			296,500 00	
Interest due to the 30th June 1839, - - - -			1,593 39	
				298,093 39
Due from other banks, in account, - - - -			44,576 84	
Do. do. in notes of Virginia banks, - - -			64,941 00	
Do. do. in notes of banks of other states, - -			14,444 00	
				123,961 84
		2,416,770 50		
Real estate at the Exchange Bank, - - - -			15,750 64	
Do. office in Petersburg, - - -			3,685 87	
Do. in Clarkesville, - - -			7,913 27	
				27,349 78
Expenses at offices since 31st May last, - - -				1,947 78
Specie at Exchange Bank, - - - -			103,702 79	
Do. office in Richmond, - - - -			76,837 31	
Do. do. Petersburg, - - - -			90,246 17	
Do. do. Clarkesville, - - - -			42,382 64	
				313,168 91
Do. in gold, - - - - -			233,348 76	
Do. in silver and cents, - - - -			79,820 15	
				$2,759,236 97

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BANK OF VIRGINIA AND BRANCHES, on the 29th of June 1839.

Capital stock:				
Subscribed by the commonwealth of Virginia,		9000 shares,	900,000 00	
Do. by individuals, - -		7691 do.	769,100 00	
Whole number of shares, - -		16691 amount	1,669,100 00	
Remaining unpaid, viz:				
By the commonwealth,	1550 shares,	155,000 00		
By individuals, on	174 "	11,497 19		
			166,497 19	
			1,502,602 81	
Additional stock, or bonus No. 1, -		- -	2,732 75	
Amount paid in,				1,505,335 56
Provisionally assigned to office at Richmond,		350,000 00		
Do. do. do. Petersburg,		350,000 00		
Do. do. do. Clarkesville,		140,000 00		
And remaining at Exchange Bank, -		665,335 56		
Circulation:				
At Exchange Bank, - -		-	131,650 00	
Office Richmond, - -		-	242,415 00	
Do. Petersburg, - -		-	263,675 00	
Do. Clarkesville, - -		-	175,530 00	
				813,270 00
Due to other banks in account, - -		- -	-	81,746 53
Dividends unclaimed, - - -		- -	885 50	
Individual deposits, viz:				
At Exchange Bank, - -		88,689 85		
Office in Richmond, - -		107,725 65		
Do. Petersburg, - -		51,951 24		
Do. Clarkesville, - -		23,388 71		
			271,755 45	
				272,640 95
	1,167,657 48			
Balances in account of Exchange Bank and branches,		- -	-	15,628 73
Contingent fund, - - -		- -	-	7,638 04
Discount and interest at branches since 31st May last,		- -	-	7,304 89
Exchange, do. do.		- -	-	510 64
Profit and loss, - - -		- -	-	55,261 63
				$2,759,236 97

JOHN SOUTHGATE, *President pro tem.*
W. SOUTHGATE, *Cashier.*

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RETURN REQUIRED BY LAW.

1.	Amount of capital actually paid in,						1,505,335 56
2.	The value of real estate, cost,						27,349 78
3.	Amount of stock subscribed,					1,669,100 00	
	And remaining unpaid,					166,497 00	
4.	Total amount of debts due to the bank,						2,416,770 50
5.	Total amount of debts due from the bank, independently of the stockholders,						1,167,657 48
6.	Exchange—the dealings in exchange will appear in the account annexed.						
7.	Bad and doubtful debts none.						
8.	Amount of gold and silver coin, gold,					233,348 76	
	silver and cents,					79,820 15	
							313,168 91
9.	Amount of money deposited,						272,640 95
10.	Amount of bills in circulation,						813,270 00

	100's.	50's.	20's.	15's.	10's.	
Exchange Bank,	311	535	1325	1430	2585	131,650 00
Office Richmond,	593	1150	2363	1965	4888	242,415 00
Do. Petersburg,	859	1179	2065	2473	3743	263,675 00
Do. Clarkesville,	669	897	1159	1450	1885	175,530 00
	2462	3761	6912	7318	13101	

11.	Bills on hand of solvent banks incorporated by this state,			64,941 00
12.	Do. do. do. elsewhere,			14,444 00
13.	Rate and amount of dividend declared this day,			
	On 12191 shares at $3 per share,	36,573 00		
	2950 do. from 29th May last in proportion,	1,570 16		
	And on 2732 75 last bonus (additional stock) do.	81 98		
		88,225 14		38,225 14
	Less bonus to the state at the rate of 25 cents per share,	3,185 43		
	Nett dividend at $2 75 per share,	35,039 71		
	Which gives			
	To individual stockholders on 7691 shares,	21,150 26		
	the commonwealth of Virginia, 7450			
	15141	13,814 31		
	Additional capital on 2732 75	75 15		
14.	Surplus profit added to the contingent fund this day,	17,036 49		17,036 49
	Amount of contingent fund in January last,	7,538 04		
	Present state,	$24,574 53		

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DR. *EXCHANGE ACCOUNT.* CR.

1839,				1839,	
At Exchange Bank:				At Exchange Bank:	
On $ 21,885 18 northern funds at ½ per cent.,			109 39	On the 30th March last, balance,	1224 32
On 2,475 07 do.	¾	do.	9 27	On $ 8536 61 northern funds at 1 per cent.,	$ 85 37
1,112 50 do.	¼	do.	2 78	On 40444 64 do. at ¾ do.	303 20
Loss on sterling bills,			14 86	On 11612 50 do. at ½ do.	58 07
Balance to profit and loss June 29, 1839,			2431 61	On 16155 06 do. at ¼ do.	40 38
					487 02
				On 3690 00 southern funds at 2½ per cent.,	94 50
				On 310 00 do. at 1½ do.	4 65
				On 1984 52 do. at 1 do.	19 92
					119 07
				On 5500 00 state stock at 2½ per cent.,	137 50
				On 30,000 Mexican dollars at 2 do.	600 00
			2567 91		2567 91
At Richmond:				At Richmond:	
On $ 98,923 75 amount of drafts and checks purchased at ¼ to 1 per cent.,			1126 19	On the 30th March last, balance,	1192 92
On £ 38,564 3s. or $ 188,099 54,			233 06	On 182,827 02 amount of checks on other banks, and bank notes at ¼ to 1 per cent.,	1704 66
Balance to the credit of profit and loss 31st May,			1026 97		
Balance to credit, 29th June,			511 36		511 36
			2897 58		2897 58
At Petersburg:				At Petersburg:	
On $ 9505 57 northern funds at ½ per cent.,			47 53	On the 30th March last, balance,	245 47
Loss on sterling bills,			222 92	On $ 62,962 39 northern funds at ½, ¾ and 1 per cent.,	436 12
Balance to the credit of profit and loss 31st May,			407 12		
Balance to credit 29th June,			4 02		4 02
			681 59		681 59
At Clarkesville:				At Clarkesville:	
On $ 5959 14 northern funds at ½ per cent.,			29 79	On the 30th March last, balance,	79 80
Balance to profit and loss 31st May,			218 75	On $ 13,140 41 northern funds at 1, 1¼ and 1½ per cent.,	149 75
				Gain on uncurrent notes,	14 25
			4 74	Balance to debit 29th June,	4 74
			248 54		248 54
Balance to credit in general statement,			510 64		
			515 38		$ 515 38

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We the subscribers, directors of the Exchange Bank of Virginia, have examined the aforegoing accounts and statements, and certify that they exhibit an accurate and just statement of the condition of the bank as it existed on the 1st day of July 1839, and of the declaration of the dividends by the board on the 2d day of July 1839.

JAMES CORNICK, RICH'D DICKSON,
SAM'L W. PAUL, THOMAS F. ANDREWS,
GEORGE M'INTOSH, W. J. HARDY.

NORFOLK BOROUGH, *To wit:*

This day personally appeared before me an alderman of said borough, Wright Southgate, cashier of the Exchange Bank of Virginia, who made oath that the annexed statements contain an accurate and just account of the state and condition of said bank as it existed on the 1st day of July 1839.

Given under my hand this 24th day of July 1839.

GEO. WILSON.

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[DOC. No. 2.]

ANNUAL REPORT

OF THE

AUDITOR OF PUBLIC ACCOUNTS.

AUDITOR'S OFFICE, DECEMBER 2, 1839.

The auditor of public accounts, in compliance with the several acts prescribing his official duties, submits to the general assembly the following report on the fiscal condition and prospects of the treasury.

The balance on hand the 1st of October 1838, exclusive of the amount standing to the credit of the Washington monument fund, was - - - - -	37,355	76
There was received during the year which ended the 30th September last, from the ordinary sources of revenue and from interest on loans and dividends on bank stock, as will more fully appear by reference to the accompanying document No. 1, - - -	599,263	40
To which add premium on state certificate of loan not invested, - - -	10	00
Amounting together to - - - - -	636,629	16
The warrants drawn on the treasury on account of the ordinary state expenditure and for interest on public debt, amounted during the same period, as will appear by document No. 2, to -	619,180	26
Leaving a balance on the 1st of October 1839, of - - -	$17,448	90

which varies a small amount from the actual cash balance in the treasury as explained in document No. 4.

The foregoing summary does not embrace the operations of the treasury which had for their object the conversion of sundry loans into bank capital in conformity to law. Being matters of form they are excluded from this general view of the finances, but may be referred to in the statements which accompany this report. In consequence of the large and unexpected dividends received from bank stocks held by the fund for internal improvement, the amount supposed necessary to meet the interest on the public debt was reduced from $170,000 to $85,000, which with some other variations in the items of receipt and expenditure will at once account for the accidental surplus on the 1st of October. That surplus was quickly absorbed by the quarterly demand on the commonwealth in that month, and for the first time in a long series of years the treasury was unable to meet its engagements except by temporary aid from the banks.

The document No. 5 is an estimate of probable receipts and disbursements for the fiscal year which will end on the 30th September 1840, by which it appears that a deficiency in the revenue is expected to occur at that time of $106,664, and for which it will be necessary for the present general assembly to make adequate provision. It is not probable that this estimated deficiency will be materially lessened, as the resources from bank dividends cannot be expected to equal those of the past year, and even if they did, the revenues of the commonwealth ought not to be placed on a basis so liable to fluctuation. A surplus not sufficient to tempt improvident expenditure, but enough to guard the credit of the state from suspicion or impeachment, would seem to be the dictate of sound financial policy. An increase of the taxes, therefore, which may be so graduated as not to be felt by the community, is necessary to preserve inviolate the public faith, and as such increase would not be available under existing laws until some time after the first of October next, it is respectfully suggested whether some contingent provision ought not to be made for a temporary loan to meet current demands upon the commonwealth.

The new assessment of lands which the principal assessors now assembled at the seat of government are engaged in completing, will furnish a fit opportunity for augmenting the land tax with such additions to other subjects of taxation as the legislature may deem expedient.

All which is respectfully submitted.

JA'S E. HEATH,
Auditor of Public Accounts.

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(No. 1.)

RECEIPTS.

A STATEMENT *shewing the amount of Receipts with which the Treasurer is charged on the books of this office from the* 1st *October* 1838, *to the* 30th *September* 1839, *inclusive, derived from the following sources:*

On account of the revenue tax of 1839, from the tax on lots, land, slaves, horses, carriages, and on licenses to merchants, pedlars, keepers of ordinaries and houses of private entertainment, and exhibitors of shows, &c., -	25,496 01	
ditto of 1838, - -	417,371 60	
ditto of 1837, - -	3,241 35	
ditto of 1836, - -	864 38	
ditto of 1835, - -	6 78	
		445,980 12
On account of the militia fines of 1837, - - -	15,189 09	
of 1836, - - -	472 77	
of 1835, - - -	165 56	
of 1834, - - -	83 66	
of 1832, - - -	20 45	
of 1831, - - -	18 33	
		15,949 86
Taxes on law process, seals, county court clerks, - -	7,082 52	
circuit court clerks, - -	11,627 17	
hustings court clerks, - -	487 18	
clerks of the court of appeals, - -	220 75	
		19,317 62
Tax on notarial seals, - - - - -	-	4,804 88
Taxes and fees on business done in the register's office, - -	-	5,033 40
Inspectors of tobacco, &c., for duties on tobacco shipped and storage at warehouses the property of the commonwealth, - - -	7,065 57	
For the sale of waste tobacco, - - - -	788 76	
		7,854 33
Sale of waste and unappropriated lands, - - -	-	1,008 63
Redemption of lands, heretofore returned delinquent for the nonpayment of taxes,	358 02	
Ditto sold and purchased for the commonwealth, -	26 96	
Ditto omitted lands, - - - -	41 56	
		426 54
Tax on the great seal of the state, - - - -	-	77 90
From sales of penitentiary goods, - - - -	-	8,000 00
Miscellaneous receipts:		
For rent of houses on E street and of the museum, - -	1,567 38	
For expense of removal and maintenance of lunatics refunded, -	343 90	
From the sheriff of Hampshire, on account of the costs of a criminal prosecution, - - - - -	23 29	
For tax on property returned insolvent, - - -	90	
From P. B. Winston jr., and others refunding so much erroneously paid to them, - - - - -	40 18	
From the commissioner of wrecks for Mathews county for nett proceeds of sale of copper and tin, - - - -	179 00	
		2,154 65

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Interest and dividends:		
For interest on $505,000 loaned to the Farmers bank to the 3d June 1839,	23,356 26	
For interest on $325,000 loaned to the Bank of Virginia, to the 3d June 1839,	15,031 25	
For interest on $370,000 loaned to the Bank of the Valley to the 1st July 1839,	18,500 00	
For January and July dividends on stock of the Exchange bank of Virginia,	26,189 31	
For July dividend on stock of the Northwestern bank,	5,578 65	
		88,655 47
		599,263 40
For loan to the Farmers bank of Virginia,	505,000 00	
For loan to the Bank of Virginia,	325,000 00	
For loan to the Bank of the Valley,	370,000 00	
		1,200,000 00
On loan to provide for the treasurer's subscription for stock in the Exchange and Northwestern banks,		387,292 00
Washington monument fund, for interest and part of the principal on loans to individuals,		4,562 52
Total amount of receipts,		$2,191,117 92

JA'S E. HEATH, *Auditor.*

JOSEPH JACKSON, *Clerk of Accounts.*

Auditor's Office, 25th November 1839.

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(No. 2.)

DISBURSEMENTS.

AMOUNT OF WARRANTS *drawn upon the Treasury from the* 1st *October* 1838, *to the* 30th *September* 1839, *inclusive, upon the following funds:*

General assembly—for the pay and expenses of the senate and house of delegates, session of 1839,		83,737 33
Officers of government—for the payment of salaries to the governor and executive council, the judges of the court of appeals, the general court, the attorney general, the treasurer, auditor, register, and their clerks, the secretary of the commonwealth, the clerks of the executive council, the attorney and clerk of Henrico superior court, the clerk of the general court, the keeper of the rolls and of the capitol, the public printer, and for mileage of the judges of the court of appeals and general court,		78,535 57
Commissioners of the revenue, &c.—for payments to commissioners for taking lists of land and property, and granting licenses, &c. and to clerks of county and corporation courts for examining the same,		29,652 00
Criminal charges—for support of criminals in county and corporation jails, attendance of witnesses, &c.		34,535 44
Expense of guards—for compensation to guards employed for the better security of criminals confined in the county and corporation jails,		2,639 11
Interest on public debt:		
For the payment of interest on 6 per cent. debt,	1,442 35	
For six months interest, due the 1st January last, on $319,000 due to the literary fund, at 7 per centum per annum,	11,165 00	
For interest to the 1st July last, on $250,000 of 5 per cent. stock, created by an act passed the 20th February, 1833, authorizing a subscription to the stock of the Chesapeake and Ohio canal company,	12,125 00	
For interest to the 1st July last, on $291,500 part of $387,292 of 6 per cent. stock, created by an act passed the 19th March, 1839, providing for further subscriptions to the Exchange bank and Northwestern bank of Virginia,	1,579 64	
		26,311 99
Contingent expenses of courts—for services of attorneys, clerks, sheriffs, criers, tipstaffs, jailors, and for fuel, stationary, &c.		26,929 48
Pensioners—for payment of allowances to them,		1,499 29
Contingent fund—for sundry disbursements by order of the executive council,		10,165 47
Militia—for the pay of adjutants, clerks, provosts martial, musicians, expresses, and for colours, musical instruments, &c.		22,619 36
Penitentiary house expenses—for rations and hospital stores,	4,748 77	
Penitentiary officers' salaries—for salaries to the superintendent, assistant keepers, turnkey, clerk and surgeon, and allowance to the directors,	8,200 00	
Penitentiary criminal charges—for expenses incurred in transporting convicts to the penitentiary,	6,776 10	
		19,724 87
Officers of militia—for the salary of the adjutant general,		500 00
General appropriation:		
To Benjamin W. Leigh, for 700 copies of the 8th volume of reports of cases decided in the court of appeals,	4,748 33	
To Thomas W. Gilmer, late commissioner under an act passed the 8th April, 1831, on account of his commissions on moneys paid by the United States in satisfaction of the half-pay claims of the Virginia state line,	426 38	
To Charles T. Harris and others, refunding taxes on property, &c. erroneously charged to or paid by them,	193 73	
To Griffin Frost, refunding to him under an act of 14th March, 1838, the amount of fines in 31st regiment, improperly paid into the treasury in 1833,	20 00	

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To Francis H. Deane, for one year's allowance for services as vaccine agent,	500 00	
To George D. Keyes, for value of a horse impressed by the sheriff of Washington for public use, and which died in the service, - -	60 00	
To William H. Smith and others, for improvements in the senate chamber, January session 1839, - - - -	747 00	
To Samuel and John Freeman, for repairs to museum building under the act of 10th April, 1839, - - - -	269 71	
To the heirs of James Booth, deceased, for services of said Booth as a captain of rangers or Indian spies, allowed by an act of the 4th April, 1838, $92 80; to the heirs of Jonathan Hacker, for said Hacker's services as a ranger, under an act passed 22d March, 1839, $104, and to Elias Hughes, under an act passed 23d March, 1839, for similar services, $104, -	300 80	
To Hazael Williams, for losses sustained by him in consequence of the contract for a bridge across Jackson's river having been set aside, under an act passed the 7th April, 1838, - - -	400 00	
To the clerk of the general court, for fees for searches, &c. under an act passed the 15th March, 1838, concerning western land titles, - -	8 37	
		7,674 32
Expense of representation—for expense of comparing polls for members of congress and state senate, - - - - - -		292 75
Warrants on account:		
For payments to sheriffs, &c. refunding so much overpaid on revenue tax, -	2,147 78	
For payments to sheriffs, &c. refunding so much overpaid on militia fines, -	554 34	
For payments to clerks, refunding so much overpaid on license and law process tax, - - - - -	42 73	
		2,744 85
Public warehouses—for services of commissioners, deficiency in salaries of certain superintendents and inspectors, and for repairs to Union warehouse at Buchanan, - -		1,427 00
Civil prosecutions—for sundry expenses in civil suits in which the commonwealth is a party, &c.		301 45
Public arsenal—for pay, rations and clothing of the guard stationed at Lexington, and allowance to the commandant, under an act passed the 28th March, 1839, - -		8,115 56
Slaves transported, &c.—in payment for slaves ordered for transportation, -	12,900 00	
in payment for slaves executed, - -	7,450 00	
		20,350 00
Military contingent fund—for contingent expenses of the adjutant general's office, purchase of accoutrements, building gun-house at Norfolk, travelling expenses of visitors of Virginia Military Institute, &c. - - - - -		1,961 99
Lunatic hospital, Williamsburg—on account of appropriation, - - -		31,635 00
Ditto, Staunton—on account of do. - - -		26,000 00
Public guard—for the pay, rations and clothing of the guard stationed at Richmond, and the pay of the interior guard at the penitentiary, - - - -		22,083 58
Expense of lunatics—to William Watson and others, for diet, clothing, medical attendance, &c. furnished lunatics confined in the jails of Albemarle, Augusta, Braxton, Brooke, Brunswick, Buckingham, Campbell, Charles City, Charlotte, Chesterfield, Fairfax, Fauquier, Franklin, Frederick, Goochland, Halifax, Hampshire, Hanover, Hardy, Harrison, Henrico, Isle of Wight, Jefferson, Lunenburg, Madison, Mecklenburg, Monongalia, Montgomery, Nansemond, Nelson, Nottoway, Ohio, Pendleton, Preston, Prince George, Randolph, Russell, Shenandoah, Smyth, Surry, Sussex, Warren, Washington, Wood, Lynchburg, Norfolk borough, Petersburg and Richmond city, and for conveying a supposed lunatic from Middlesex to the hospital at Williamsburg, who was refused on the ground of idiocy, -		7,848 48
Transportation of arms—for expenses attending the collection and transportation of arms, -		205 68
Public roads—in full for the completion of ten miles and one hundred and forty rods of Cheat mountain turnpike, - - -	1,462 40	
For the construction of a road from Charlestown to Weston, and pay of the commissioner, under acts of January 1836, and February 1837, -	1,425 23	
In full of state's subscription to the road from Smyth courthouse to Plaster banks, - - - - -	1,500 00	
For one year's pay of the superintendent of Alleghany mountain turnpike road,	24 00	
In full of state's subscription for constructing a road from Huntersville to Parkersburg, - - - - -	1,500 00	

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For balance appropriated by an act of the 19th March, 1834, for constructing a road from Skidmore's fork in Rockingham county, to the South fork in Pendleton county,			
	500 00		
On account of the appropriation by an act of the 9th April, 1838, for the construction of a road from the Pennsylvania line in Monongalia county, to the Beverley and Clarksburg road,			
	9,276 00		
For the construction of a road from Pound gap of Cumberland mountain to the Cumberland gap road, under an act of the 25th March, 1837,			
	5,000 00		
For the appropriation under an act of the 5th April, 1838, providing for the completion of a road across the Blue Ridge at Simmons's gap,			
	1,000 00		
			21,687 63
Governor's house and fixtures—for sundry repairs to house and furniture, pump, &c.			62 94
Repairs of arms—for the pay of the artificers employed in repairing arms, and of the officers of the public guard for superintending them,			3,538 66
Geological survey—on account of the salaries of the principal and assistant geologists, and for contingent expenses of survey,			7,100 00
Repairs of the armory—for repairs to the boring mill at the armory,			114 99
Military school,			2,500 00
Transportation of free persons of colour—for subscription to the African Repository, for the use of the board,			7 50
Repairs to the hall of the house of delegates—on account of the contract for altering and improving the hall,			1,225 00
Re-assessment of lands—on account of pay of principal and assistant assessors, and of commissioners of the revenue for attendance before the boards of assessors,			30,432 97
Board of public works—amount placed to the credit of that fund, and applied on the warrants of the second auditor towards the payment of the interest on the public debt, said fund being inadequate to that purpose,			85,000 00
Stock of the Farmers bank of Virginia—for subscription to the stock of that bank,		505,000 00	
Stock of the Bank of the Valley,	for do. do.	370,000 00	
Stock of the Bank of Virginia,	for do. do.	325,000 00	
Stock of the Exchange bank of Virginia,	for do. do.	295,000 00	
Stock of the Northwestern bank,	for do. do.	92,282 00	
			1,587,282 00
Washington monument fund—for so much loaned,			5,100 00
			$2,211,562 26

JA'S E. HEATH, *Auditor.*

JOSEPH JACKSON, *Clerk of Accounts.*

Auditor's Office, 25th November, 1839.

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[Doc. No. 2.]

(No. 3.)

REVENUE.

A STATEMENT *of Taxes arising on Lots, Land, Slaves, Horses, Carriages, and on Licenses to Merchants, Pedlars, Keepers of Ordinaries and Houses of Private Entertainment, and Exhibitors of Shows, &c. for* 1839.

COUNTIES.	Lots.	Land.	Slaves.		Horses.		Studs.		Coaches.		Stages.		Carryalls.		Gigs.		TOTAL.
			No.	Tax.	No.	Tax.	No.	Tax.	No.	Tax.	No.	Tax.	No.	Tax.	No.	Tax.	
Accomack,	74 57	2367 62	2392	717 60	2670	213 60	12	163 00	16	42 00	-	-	57	72 20	523	424 05	4074 64
Albemarle,	488 66	5207 46	6306	1891 80	5278	422 24	23	358 00	174	414 85	-	-	19	19 00	34	20 20	8822 21
Alleghany,	47 05	375 87	357	107 10	1001	80 08	5	47 00	5	10 50	-	-	8	8 00	2	1 00	676 60
Amelia,	-	1852 86	3827	1148 10	1912	152 96	8	162 00	135	353 15	-	-	28	28 60	71	42 90	3740 57
Amherst,	48 56	2381 57	2859	857 70	2473	197 84	7	124 00	29	69 00	-	-	6	6 00	5	3 25	3687 92
Augusta,	599 05	5555 00	2369	710 70	9169	733 52	47	385 00	127	291 00	-	-	57	57 50	34	21 55	8353 32
Bath,	1 19	612 45	603	180 90	2297	183 76	6	26 00	4	8 00	-	-	12	12 00	1	50	1024 80
Braxton,	5 22	154 93	34	10 20	651	52 08	2	10 00	-	-	-	-	-	-	-	-	232 43
Bedford,	117 67	3144 77	4549	1364 70	4873	389 84	18	216 00	42	111 50	-	-	7	7 60	13	6 50	5358 58
Berkeley,	363 82	2799 31	934	280 20	3725	298 00	17	134 00	68	142 75	-	-	6	7 00	14	7 75	4032 83
Botetourt,	318 44	1798 17	1717	515 10	3722	297 76	19	200 00	52	127 00	2	3 50	24	24 00	9	5 50	3289 47
Brooke,	372 33	982 85	70	21 00	2624	209 92	13	105 00	11	22 00	-	-	21	21 00	4	2 00	1736 10
Brunswick,	30 91	2064 74	4551	1365 30	2638	211 04	7	79 00	126	315 80	-	-	57	57 70	101	55 60	4180 09
Buckingham,	102 89	3754 74	5799	1739 70	3696	295 68	10	182 00	150	382 15	-	-	24	24 00	46	26 95	6508 11
Cabell,	51 86	495 20	294	88 20	2582	206 56	14	121 00	7	17 00	-	-	13	13 00	2	1 70	994 52
Campbell,	2645 11	3908 84	5523	1656 90	3783	302 64	14	276 00	124	334 15	-	-	27	27 50	20	15 05	9166 19
Caroline,	88 57	2977 33	5206	1561 80	2840	227 20	2	20 00	149	370 65	-	-	104	105 35	173	102 45	5453 35
Charles City,	-	1005 78	1358	407 40	783	62 64	3	70 00	41	110 90	1	1 00	18	18 50	24	14 20	1690 42
Charlotte,	-	2777 89	5050	1515 00	3216	257 28	10	284 00	197	484 25	-	-	30	30 00	44	23 90	5372 32
Chesterfield,	420 15	3675 98	5000	1500 00	2980	238 40	3	38 00	211	485 50	-	-	27	27 60	160	90 05	6475 68
Clarke,	58 54	2645 47	1779	533 70	2605	208 40	9	286 00	94	255 75	-	-	1	1 00	15	11 00	3999 86
Culpeper,	195 96	2630 98	2913	873 90	2897	231 76	8	89 00	77	166 50	-	-	15	15 00	13	7 75	4210 85
Cumberland,	68 08	1814 11	3594	1078 20	1926	154 08	3	74 00	123	299 75	-	-	12	12 00	44	23 65	3523 87
Dinwiddie,	4620 40	2341 72	5642	1692 60	2470	197 60	4	106 68	221	553 50	-	-	35	35 00	168	88 15	9635 65
Elizabeth City,	221 77	401 97	893	267 90	424	33 92	1	10 00	18	42 50	-	-	6	6 00	32	22 05	1006 11
Essex,	62 73	1418 14	3224	967 20	1581	126 48	5	72 00	86	200 75	-	-	15	15 00	203	112 65	2974 95
Fairfax,	67 98	2632 36	1689	506 70	2452	196 16	6	44 00	53	119 00	-	-	13	13 00	19	11 20	3590 40
Fauquier,	513 96	5917 63	5112	1533 60	6250	500 00	21	238 00	138	315 50	-	-	34	34 00	27	16 55	9069 24
Fayette,	-	324 38	71	21 30	1077	86 16	3	14 00	1	2 00	-	-	-	-	-	-	447 84
Floyd,	20 55	253 36	171	51 30	1296	103 68	9	63 00	-	-	-	-	1	1 00	2	1 00	493 89
Fluvanna,	60 31	1679 49	2222	666 60	1768	141 44	6	130 00	46	109 80	-	-	25	25 00	34	18 70	2831 34
Franklin,	27 25	1422 07	2462	738 60	3644	291 52	11	128 00	15	24 00	-	-	10	10 00	4	3 25	2654 69
Frederick,	1441 97	3369 06	1242	372 60	4303	344 24	18	173 00	98	215 05	-	-	17	19 50	35	20 90	5956 32
Giles,	35 85	270 90	294	88 20	1924	153 92	8	42 00	-	-	-	-	3	3 00	-	-	593 87
Gloucester,	4 76	1256 99	2892	867 60	1244	99 52	6	86 00	96	221 95	-	-	4	4 50	235	134 55	2675 87
Goochland,	-	2803 48	3216	964 80	2159	172 72	6	108 00	83	206 15	-	-	10	10 00	32	18 25	4283 40
Grayson,	15 40	340 67	242	72 60	2573	205 84	17	84 00	-	-	-	-	5	5 00	-	-	723 51
Greene,	22 91	579 12	750	225 00	894	71 52	2	18 00	9	21 50	-	-	-	-	3	1 60	939 65
Greenbrier,	128 31	1175 89	711	213 30	4686	374 88	22	190 00	44	93 50	-	-	18	18 00	5	2 95	2196 83
Greensville,	19 60	1166 55	2372	711 60	1388	111 04	4	382 00	74	185 90	-	-	31	31 60	60	34 60	2642 89
Halifax,	33 00	4106 56	7412	2223 60	5497	439 76	20	488 00	164	434 25	-	-	79	79 25	89	51 35	7855 77
Hampshire,	127 06	2071 04	751	225 30	4744	379 52	10	71 00	17	36 00	2	6 00	10	10 00	16	13 05	2938 97

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Hanover,	4 88	3318 74	4341	1302 30	2926	234 08	2	36 00	180	431 80	-	-	25	25 00	125	68 65	5421 45
Hardy,	93 96	2541 98	580	174 00	3351	268 08	5	32 00	16	39 80	-	-	4	4 00	4	4 00	3157 82
Harrison,	170 66	1272 44	346	103 80	6506	520 48	17	104 00	9	18 00	-	-	18	18 00	4	2 00	2209 38
Henrico,	12856 99	4068 62	8164	2449 20	3376	270 08	7	322 00	387	939 94	-	-	35	35 00	83	54 25	20996 08
Henry,	8 34	791 82	1545	463 50	1514	121 12	9	119 00	45	45 25	-	-	16	16 00	7	3 50	1568 53
Isle of Wight,	no returns																
Jackson,	24 46	213 67	42	12 60	1417	113 36	7	44 00	-	-	-	-	2	2 00	2	1 00	411 09
James City,	-	380 16	981	294 30	456	36 48	1	12 00	16	34 50	-	-	4	4 00	67	36 25	797 69
Jefferson,	897 15	3425 15	2157	647 10	3790	303 20	11	140 00	172	392 60	3	8 00	14	14 00	25	17 70	5844 90
Kanawha,	255 61	1169 20	1541	462 30	2716	217 28	10	129 00	60	134 75	-	-	19	19 00	9	6 00	2393 14
King George,	6 10	1306 15	1853	555 90	1457	116 56	3	20 00	43	109 30	-	-	13	13 00	73	41 25	2168 26
King William,	2 55	1564 50	3104	931 20	1542	123 36	1	30 00	93	226 00	-	-	17	17 00	194	104 75	2999 36
King & Queen,	1 47	1326 02	3071	921 30	1458	116 64	4	48 00	90	221 30	-	-	11	11 00	369	199 10	2844 83
Lancaster,	-	586 36	1317	395 10	683	54 64	1	10 00	36	79 00	-	-	18	18 00	109	62 05	1205 15
Lee,	24 31	439 26	280	84 00	2904	232 32	19	131 50	2	4 00	-	-	8	8 00	-	-	923 39
Lewis,	16	611 83	64	19 20	2627	210 16	11	65 00	1	2 00	-	-	4	4 00	1	50	912 85
Logan,	9 24	133 30	78	23 40	935	74 80	11	71 00	-	-	-	-	-	-	-	-	311 74
Loudoun,	748 02	7809 99	2881	864 30	7622	609 76	22	199 00	288	513 70	1	3 50	24	24 00	24	16 35	10788 62
Louisa,	-	2659 73	4619	1385 70	2903	232 24	4	56 00	130	295 20	-	-	59	59 00	60	34 75	4722 62
Lunenburg,	16 43	1358 43	3609	1082 70	2041	163 28	3	44 00	111	288 25	-	-	24	24 00	49	25 50	3002 59
Madison,	51 86	1687 06	2019	605 70	1976	158 08	7	86 00	30	71 30	-	-	3	3 00	15	10 00	2673 00
Marshall,	108 91	394 35	49	14 70	2244	179 52	8	90 00	4	8 00	-	-	2	2 00	-	-	797 48
Mason,	70 52	582 47	459	137 70	2543	203 44	14	123 00	7	14 50	-	-	4	4 00	-	-	1135 63
Matthews,	-	478 60	1650	495 00	598	47 84	1	20 00	49	106 00	-	-	11	11 00	84	43 70	1202 14
Mercer,	1 69	115 29	67	20 10	800	64 00	4	15 00	1	2 00	-	-	-	-	1	50	218 58
Mecklenburg,	361 81	2976 46	6196	1858 80	4110	328 80	10	206 00	185	485 70	-	-	39	39 00	61	35 97	6292 54
Middlesex,	19 63	467 25	1101	330 30	483	38 64	2	34 00	31	76 50	-	-	10	10 00	94	53 10	1029 42
Monongalia,	192 14	1219 81	178	53 40	5846	467 68	12	54 50	4	10 00	-	-	10	10 00	2	1 00	2008 53
Monroe,	80 41	813 63	455	136 50	3803	304 24	15	155 00	18	50 20	-	-	12	12 00	6	3 25	1555 23
Montgomery,	120 84	547 99	660	198 00	2442	195 36	14	125 00	13	35 50	-	-	12	12 00	3	2 50	1237 19
Morgan,	64 81	500 94	61	18 30	871	69 68	2	14 00	4	8 00	-	-	2	2 00	-	-	677 73
Nansemond,	222 91	1181 28	2320	696 00	1467	117 36	4	52 00	57	132 90	-	-	2	2 00	260	160 30	2564 75
Nelson,	97 35	2012 31	2981	894 30	2428	194 24	8	112 00	41	99 00	-	-	5	5 00	12	8 50	3422 70
New Kent,	-	743 52	1657	497 10	892	71 36	3	50 00	56	142 30	-	-	16	16 00	89	48 80	1569 08
Nicholas,	13 32	275 23	38	11 40	808	64 64	4	23 00	-	-	-	-	-	-	-	-	387 59
Norfolk County,	2182 99	1458 30	3015	904 50	1466	117 28	4	68 00	90	191 50	-	-	6	6 00	97	70 55	4999 12
Norfolk Borough,	6382 85	-	1759	527 70	186	14 88	-	-	46	99 50	-	-	-	-	14	8 85	7033 78
Northampton,	-	1283 12	2036	610 80	1546	123 68	4	102 00	17	42 25	-	-	24	32 50	298	296 30	2490 65
Northumberland,	29 37	721 60	1435	430 50	843	67 44	2	20 00	61	126 00	-	-	8	8 00	138	74 25	1477 16
Nottoway,	-	1613 10	3281	984 30	1519	121 52	2	36 00	126	324 95	-	-	26	26 00	62	35 50	3141 37
Ohio,	2598 28	662 22	108	32 40	2153	172 24	6	90 00	53	106 00	-	-	-	-	11	10 00	3671 14
Orange,	123 90	2400 32	2774	832 20	2170	173 60	5	61 00	65	165 15	-	-	23	23 00	26	15 10	3794 27
Page,	71 33	1286 17	489	146 70	2049	163 92	12	88 00	7	14 00	-	-	10	10 00	6	3 50	1783 62
Patrick,	no returns.																
Pendleton,	35 98	835 07	265	79 50	3710	296 80	16	100 00	2	4 00	-	-	8	8 00	1	50	1359 85
Pittsylvania,	241 31	3522 19	5966	1789 80	5256	420 48	8	132 00	112	296 40	-	-	27	27 95	47	28 20	6458 33
Pocahontas,	20 34	272 20	118	35 40	1731	138 48	4	28 00	2	4 00	-	-	6	6 00	1	50	504 92
Powhatan,	51 24	1908 35	2907	872 10	1733	138 64	3	60 00	114	254 05	-	-	13	13 00	71	41 65	3339 03
Preston,	32 47	404 08	57	17 10	2290	183 20	4	24 00	-	-	-	-	1	1 00	-	-	661 85
Princess Anne,	21 81	1402 76	1682	504 60	1727	138 16	7	117 00	56	118 25	-	-	13	13 00	159	99 75	2415 33
Prince Edward,	395 93	2245 22	4824	1447 20	2386	190 88	8	162 00	233	594 60	-	-	20	20 75	81	52 65	5109 23
Prince George,	122 70	1168 86	2392	717 60	1226	98 08	3	148 00	87	199 00	-	-	17	17 00	58	32 05	2503 29
Prince William,	246 69	2218 67	1430	429 00	2236	178 88	9	93 00	45	96 50	-	-	23	23 00	14	10 55	3296 29
Pulaski,	18 26	386 35	474	142 20	1473	117 84	8	74 00	6	23 50	-	-	12	12 00	1	75	771 90
Randolph,	22 47	573 84	121	36 30	2398	191 84	11	52 50	1	2 00	-	-	1	1 00	-	-	879 95

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COUNTIES.	Lots.	Land.	Slaves.		Horses.		Studs.		Coaches.		Stages.		Carryalls.		Gigs.		TOTAL.
			No.	Tax.	No.	Tax.	No.	Tax.	No.	Tax.	No.	Tax.	No.	Tax.	No.	Tax.	
Rappahannock,	87 09	1434 90	1822	546 60	2617	209 36	8	82 00	19	46 00	-	-	9	9 00	3	2 25	2417 20
Richmond,	-	852 31	1259	377 70	750	60 00	6	80 00	38	87 00	-	-	5	5 00	95	55 50	1517 51
Roanoke,	83 67	956 39	823	246 90	1962	156 96	8	104 00	17	39 75	-	-	10	10 00	8	4 20	1601 87
Rockbridge,	275 88	2321 92	1919	575 70	5129	410 32	18	203 00	60	145 60	4	13 00	20	20 50	13	8 18	3974 10
Rockingham,	242 76	4610 58	1076	322 80	6841	547 28	33	251 00	55	114 40	-	-	79	79 00	26	16 50	6184 32
Russell,	31 77	321 56	345	103 50	3313	265 04	12	80 00	2	4 00	-	-	2	2 00	2	1 00	808 87
Scott,	31 30	439 07	165	49 50	2435	194 80	17	85 00	-	-	-	-	10	10 00	1	50	810 17
Shenandoah,	312 36	2735 33	685	205 50	4406	352 48	18	133 00	25	60 00	-	-	31	31 00	6	3 85	3833 52
Southampton,	36 69	1853 41	3590	1077 00	2591	207 28	7	146 00	103	251 80	-	-	36	36 00	281	158 60	3766 78
Spottsylvania,	1409 41	1948 69	3849	1154 70	2260	180 80	5	66 00	103	259 95	8	25 00	71	71 20	83	48 50	5164 25
Stafford,	140 68	1513 34	1757	527 10	1664	133 12	5	48 00	52	132 15	-	-	47	48 25	20	13 10	2555 74
Surry,	2 69	787 95	1628	488 40	831	66 48	3	70 00	46	107 55	-	-	26	26 00	122	69 80	1618 87
Sussex,	-	1533 64	3904	1171 20	1975	158 00	7	102 00	159	378 15	-	-	23	23 00	220	119 90	3485 89
Smyth,	44 78	718 48	435	130 50	2733	218 64	15	99 00	2	4 00	-	-	7	7 30	2	1 50	1224 20
Tazewell,	20 61	380 87	403	120 90	3162	252 96	13	94 00	-	-	-	-	10	10 00	-	-	879 34
Tyler,	28 50	627 61	59	17 70	1921	153 68	12	65 00	-	-	-	-	-	-	-	-	892 49
Warwick,	-	219 90	477	143 10	236	18 88	1	14 00	5	11 00	-	-	3	3 00	33	21 20	431 08
Warren,	59 03	1318 88	744	223 20	1847	147 76	8	70 00	21	51 65	-	-	2	2 30	9	6 05	1878 87
Washington,	317 09	1472 44	1050	315 00	5142	411 36	27	234 00	29	83 25	-	-	30	30 00	3	2 60	2865 74
Westmoreland,	4 96	1021 37	1909	572 70	1126	90 08	3	48 00	51	117 50	-	-	23	23 00	85	49 90	1927 51
Williamsburg,	302 70	-	414	124 20	131	10 48	2	46 00	20	51 50	1	2 00	2	2 00	27	16 95	555 83
Wood,	169 11	975 35	316	94 80	2526	202 08	9	55 00	7	14 00	-	-	26	27 00	3	1 50	1538 84
Wythe,	134 82	1123 62	917	275 10	4104	328 32	24	164 00	14	34 00	-	-	35	35 00	4	2 25	2097 11
York,	36 08	328 01	1112	333 60	586	46 88	2	40 00	13	26 50	-	-	11	11 00	68	39 80	861 87
Totals,	46418 87	191346 88	234707	70412 10	300636	24050 88	1074	12503 18	7280	17304 19	22	62 00	2088	2127 15	6347	3927 80	368153 05

Tax on merchandize,			2,787 50
Tax on licenses to merchants, auctioneers, brokers,		76,041 53	
Ditto to pedlars,		2,675 00	
Ditto to ordinary keepers,		18,476 18	
Ditto to keepers of houses of private entertainment,		2,538 50	
Ditto to venders of lottery tickets,		3,335 63	
Ditto to exhibitors of shows,		1,170 00	
			104,236 84
			475,177 39
Deduct as the estimated amount of insolvents, overcharges, &c.			3,500 00
			471,677 39
Deduct sheriffs' commissions of 5 per cent,		23,583 86	
Ditto ditto of 2½ per cent. for prompt payment, estimated,		9,000 00	
			32,583 86
			439,093 53
Add estimated nett amount from the counties of Isle of Wight and Patrick, from which returns have not been received,			3,950 00
			$ 443,013 53

JOSEPH JACKSON, *Clerk of Accounts.*

JA'S E. HEATH, *Auditor Public Accounts.*

Auditor's Office, 23d November, 1839.

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(No. 4.)

DR. STATE OF THE TREASURY, 1838-'39.

1838, Oct'r	1	To balance on the 30th September, 1838, per last annual report,						37,936 82
	31	" cash receipts in October	1838,					69,895 05
Nov.	30	" ditto in November	1838,					280,910 15
Dec.	31	" ditto in December	1838,					86,358 10
								$ 475,100 12
1839, Jan.	1	To balance brought down,						361,599 62
	31	" cash receipts in January	1839,					33,050 54
Feb.	28	" ditto in February	1839,					8,843 95
March	31	" ditto in March	1839,					11,064 64
								$ 414,558 75
1839, April	1	To balance brought down,						214,060 17
	30	" cash receipts in April	1839,					9,708 10
May	31	" ditto in May	1839,					301,366 42
June	30	" ditto in June	1839,					890,046 53
								$ 1,415,181 22
1839, July	1	To balance brought down,						117,634 01
	31	" cash receipts in July	1839,					102,316 85
Aug.	31	" ditto in August	1839,					384,673 66
Sept.	30	" ditto in September	1839,					12,883 93
								$ 617,508 46
1839, Oct'r	1	To balance this day against Lawson Burfoot, treasurer, exclusive of the funds under the direction of the second auditor,						17,440 53
		Of which there was standing to the credit of the Washington monument fund,						43 58
		Applicable to the ordinary expenses of government,						$ 17,396 95

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COMMONWEALTH'S FUNDS, *CR.*

By amount of warrants paid in October	1838,	- - - -	56,141 73
Ditto in November	1838,	- - - -	38,892 12
Ditto in December	1838,	- - - -	18,466 65
Balance on the 31st December	1838,	- - - -	361,599 62
			$475,100 12
By amount of warrants paid in January	1839,	- - - -	114,754 98
Ditto in February	1839,	- - - -	42,762 56
Ditto in March	1839,	- - - -	42,981 04
Balance on the 31st March	1839,	- - - -	214,060 17
			$414,558 75
By amount of warrants paid in April	1839,	- - - -	117,030 70
Ditto in May	1839,	- - - -	318,403 48
Ditto in June	1839,	- - - -	862,113 03
Balance on the 30th June	1839,	- - - -	117,634 01
			$1,415,181 22
By amount of warrants paid in July	1839,	- - - -	182,282 35
Ditto in August	1839,	- - - -	393,870 42
Ditto in September	1839,	- - - -	23,915 15
Balance on the 30th September	1839,	- - - -	17,440 53
			$617,508 45
Total amount of warrants issued by the auditor from the 1st October 1838, to the 30th September 1839, inclusive, - - - - - -			2,211,562 26
Add warrants Nos. 3173 and 3351, issued in June 1838, and paid within the last fiscal year,			54 95
			2,211,617 21
Deduct warrant No. 844, issued in November 1838, and unpaid within the last fiscal year,			3 00
Paid by the treasurer, - - - - -			$2,211,614 21

JA'S E. HEATH, *Auditor.*

JOSEPH JACKSON, *Clerk of Accounts.*

Auditor's Office, 21*st November* 1839.

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(No. 5.)

ESTIMATE OF THE PROBABLE RECEIPTS AND DISBURSEMENTS OF THE COMMONWEALTH,

For the fiscal year which will terminate the 30th September 1840.

PROBABLE RECEIPTS.

Tax on lands, slaves and other property, and on licenses to merchants and others, founded on statement No. 3, (*See note* 1,)	442,043 55
Militia fines and arrearages,	15,000 00
Tax on law process and seals of court,	20,000 00
Tax on notarial seals and great seal,	5,000 00
Register's fees, (*Note* 2,)	1,500 00
Duties on tobacco shipped and sales of waste tobacco, (*Note* 3,)	3,600 00
Sale of waste and unappropriated land, (*Note* 2,)	500 00
Redemption of delinquent lands,	1,000 00
Sales of penitentiary manufactures,	8,000 00
Sales of condemned slaves, (*Note* 4,)	12,000 00
Dividends on bank stock and interest on loan to the Richmond and Petersburg rail-road company, (*Note* 5,)	107,767 88
	$616,411 43

PROBABLE DISBURSEMENTS.

General assembly,		86,000 00
Officers of government,		80,000 00
Commissioners of the revenue and clerks for examining commissioners' books,		32,000 00
Criminal charges, including guards of jails,		38,000 00
Interest on certain certificates of public debt, (*See note* 1,)		71,088 90
Contingent expenses of courts, including pay of attorneys, clerks, sheriffs, jailors, &c.		27,000 00
Pensioners,		1,600 00
Civil contingent fund,		10,000 00
Militia establishment,		22,000 00
Penitentiary house, viz:		
Internal charges for rations, &c.	6,000 00	
Officers' salaries,	8,200 00	
Transportation of criminals,	6,000 00	
		20,200 00
Adjutant general's salary,		500 00
Reports of cases in court of appeals and general court,		4,700 00
Vaccine agent,		500 00
Expense of representation,		500 00
Public warehouses,		1,500 00
Civil prosecutions,		300 00
Public arsenal, (*Note* 2,)		2,400 00
Slaves transported and executed,		13,000 00
Military contingent fund,		1,000 00
Lunatic hospital at Williamsburg, (*Note* 3,)		14,156 90
Lunatic hospital at Staunton, (*Note* 3,)		14,368 95
Expense of lunatics in county jails,		7,000 00
Public guard,		22,000 00
Collection and transportation of arms,		300 00
Public roads, (*Note* 4,)		20,000 00
Repairs of arms at armory,		3,500 00
Geological survey,		8,000 00

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Military school at Lexington,	6,000 00
Board of public works for interest on public debt, (*Note* 5,)	204,662 63
Repairs to delegates' hall, (*Note* 6,)	1,275 00
Re-assessment of lands, (*Note* 7,)	25,000 00
James river company for rent of water,	1,920 00
	$740,472 38

RECAPITULATION.

Balance in the treasury on the 1st October 1839, exclusive of the amount standing to the credit of the Washington monument fund,	17,396 95
Estimated receipts for the fiscal year which will terminate the 30th September 1840,	616,411 43
	633,808 38
Estimated expenditure for the same period,	740,472 38
Probable balance against the treasury the 1st of October 1840,	$106,664 00

NOTES ON RECEIPTS.

(*Note* 1.) A part of this sum, viz: $25,496 01, consisting chiefly of taxes on merchants' licenses, having been received into the treasury before the 1st October last, would have been excluded from the estimated resources of the current year if it were not almost certain that about the same amount of the revenue of 1840 will in like manner be received before the 1st of October next. If the property tax of 1838 for the counties of Isle of Wight and Patrick (from which no returns have been received the present year) be assumed as having remained the same or about the same in amount, it will appear by a comparison of the document No. 3 with the corresponding statement presented to the last legislature, that in one year the taxable slaves in the whole state have increased 2716; the pleasure coaches 795, and the horses 470. The tax imposed for the first time last winter on merchants' capital in addition to the license, it will be perceived amounts to the sum of $2787 50.

(*Note* 2.) The receipts from the register's office will be necessarily much diminished in consequence of the law of March 1838, which was intended to guard against the survey of lands previously patented.

(*Note* 3.) The duties on tobacco available the present fiscal year are estimated from actual accounts rendered, and will be found very deficient compared with former receipts.

(*Note* 4.) Nothing having been received from the sale of transports during the last fiscal year, this sum will probably be realized notwithstanding the decline in prices.

(*Note* 5.) Independently of the bank stocks held by the literary fund and fund for internal improvement, the state now holds the following, to wit:

In the Northwestern bank	4000 shares, or		400,000 00
Virginia bank	3250 do. or		325,000 00
Farmers bank	5050 do. or		505,000 00
Exchange bank	7450 do. or		745,000 00
Valley bank	3700 do. or		370,000 00
		2,345,000 00	
Deduct Exchange bank stock from which no dividends can be expected, inasmuch as the bank is legally authorized to apply the dividends in payment of the balance due on account of the state's subscription,		745,000 00	
		$1,600,000 00	
I have supposed that upon the balance 6 per cent. dividends may be realized, or		96,000 00	
To which add interest which will be due on loan to the Richmond and Petersburg rail-road,		11,767 88	
		$107,767 88	

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NOTES ON DISBURSEMENTS.

(*Note* 1.) This estimate refers to so much of the interest on the public debt as is paid directly through the first auditor's office, to wit:

Interest for one year on 7 per cent. debt due literary fund,	22,330 00
Half year's interest unpaid on the 1st October last but chargeable on the present fiscal year,	11,165 00
One year's interest on 6 per cent. debt held by the literary fund,	1,442 35
One year's interest on 5 per cent. stock subscribed to the Chesapeake and Ohio canal company,	12,500 00
Amount of interest on said debt unpaid on the 1st October last,	375 00
Interest on $298,700 certificates issued to pay state subscribtion to the stock of the Exchange bank,	17,922 00
Balance chargeable on the year remaining unpaid 1st October,	39 03
Interest on $88,592 certificates issued to pay commonwealth's subscription to the stock of the Northwestern bank,	5,315 52
	$71,088 90

(*Note* 2.) Although the guard at the Lexington arsenal has been recently discharged, it is estimated that this amount is still outstanding and will be required for the year.

(*Note* 3.) These appropriations were made last year for the support of the two lunatic hospitals, the clothing from the penitentiary being first deducted.

(*Note* 4.) This is less than the sum authorized by law for the construction of roads, but is as much as will probably be called for during the fiscal year.

(*Note* 5.) This sum is founded upon the estimates of the second auditor, and is the amount which the board of public works will require to pay interest on loans contracted for internal improvement beyond what the income of that fund will supply. It is also exclusive of the interest directly charged on the treasury. (*See note* 1.)

(*Note* 6.) The sum appropriated for alterations in the hall of the house of delegates was $2500, of which $1275 was unpaid on the 1st October.

(*Note* 7.) The sum already expended on account of the re-assessment is $30,432. It is probable that $25,000 more will complete the work.

JA'S E. HEATH, *Auditor of Public Accounts.*

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[DOC. No. 3.]

ANNUAL REPORT

OF THE

TREASURER OF THE COMMONWEALTH.

VIRGINIA—TREASURY OFFICE,
RICHMOND, December 2, 1839.

TO THE HONORABLE THE SPEAKER OF THE HOUSE OF DELEGATES.

SIR,

In compliance with the directions of the several laws concerning the duties of the treasurer of the commonwealth, I have the honour to make to the general assembly the subjoined report on the state of the treasury for the fiscal year ending with the 30th of September 1839.

	Commonwealth.	Literary Fund.	Board of Public Works.	Northwestern Turnpike.	James River Company.	Com'rs Sinking Fund.
Balances as per last annual report, - -	38740 97	38057 69	42100 98	12204 52	5661 65	39 41
Received into the treasury from 1st Oct'r 1838, to 30th September 1839, both inclusive, -	2191117 92	95266 19	1276078 56	37616 00		2866 81
	2229858 89	133323 88	1318179 54	49820 52	5661 65	2906 22
Disbursed during same period, - - -	2212017 83	108952 50	1283137 54	49752 06	1804 66	2906 00
Balance on hand 1st October 1839, - -	$ 17841 06 A	24371 38 B	35042 00 B	68 46 B	3856 99 B	22 B

STATEMENT A

Exhibits the receipts and disbursements on account of the commonwealth, and the balances on hand at the end of each quarter.

STATEMENT B

Shews the quarterly receipts and disbursements on account of the Literary fund, Board of public works, Northwestern turnpike, James river company, and the Commissioners of the sinking fund.

STATEMENT C

Shews the particular state of the treasury at the end of each quarter during the fiscal year ending with the 30th of September 1839.

STATEMENT D

Shews in detail all the transactions at the treasury in relation to the Cincinnati fund since my last report, a list of the certificates of the stocks belonging to said fund, now in my possession as treasurer of the commonwealth, and a list of the surviving pensioners chargeable on the said fund.

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STATEMENT E

Shews the particular condition of the Washington monument fund.

Explanation of Variations between the Treasurer's and Auditor's Reports.

Amount of warrants issued by auditor within the fiscal year ending 30th September 1839,		2,211,562 26
Add warrants issued prior to the 1st October 1838, to wit, No. 3173 for $4 95 paid 6th November 1838, No. 3351 for $50 paid 3d December 1838, - -		54 95
Add amount of checks issued on warrants and not paid on 30th September 1838, to wit, No. 3880 for $470 50 paid in October 1838, No. 3881 for $329 12 paid in October 1838, and No. 2860 for $4 paid in April 1839, amounting to - -		803 62
		2,212,420 83
Deduct amount of check on warrant No. 3995 issued on the 30th September 1839, and not paid on that day, - - - -	400 00	
Deduct amount of warrant No. 844 issued in November 1838, and not presented at the treasury within the last fiscal year, - - -	3 00	
		403 00
		$2,212,017 83
Amount disbursed by the treasurer per statement A - -		$2,212,017 83

L. BURFOOT, *Treasurer Com'th Va.*

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STATEMENT [A.]

A STATEMENT *shewing the amount of Receipts and Disbursements on account of*

RECEIPTS.	First quarter ending 31st December 1838.	Second quarter ending 31st March 1839.	Third quarter ending 30th June 1839.	Fourth quarter ending 30th September 1839.	Total in fiscal year, ending 30th September 1839.	
To balance on hand 1st day of October 1838, as per last annual report,	-	-	-	-	-	38740 97
To amounts received in the fiscal year ending 30th September 1839, on the following accounts, to wit:						
Arrears of taxes,	1318 06	1548 17	111 37	6 78	2984 38	
Clerks of county and corporation courts,	2878 98	3585 31	1063 37	49 88	7577 54	
Clerks of superior courts,	4376 06	4576 96	2459 43	106 88	11519 33	
Clerks of appeals,	-	220 75	-	-	220 75	
Dividends on bank stock,	-	-	12375 00	28642 96	41017 96	
Inspectors of tobacco,	7126 26	-	728 07	-	7854 33	
Interest on U. S. surplus revenue,	20750 00	9250 00	17637 51	-	47637 51	
Loans to pay state's subscription to the Exchange bank and Northwestern bank of Virginia,	-	-	298710 00	88582 00	387292 00	
Militia fines,	5435 72	5733 83	4451 06	329 25	15949 86	
Miscellaneous receipts,	552 02	335 70	825 51	440 52	2153 75	
Notarial seals,	2255 72	1078 34	641 95	828 87	4804 88	
Privy seals,	77 90	-	-	-	77 90	
Penitentiary agent,	-	-	-	8000 00	8000 00	
Register of the land office,	3610 00	562 05	861 35	-	5033 40	
Revenue taxes of 1838,	387778 77	25246 50	4088 00	243 66	417356 93	
Revenue taxes of 1839,	-	-	23496 01	2000 00	25496 01	
Redemption of land,	178 02	173 41	188 66	30 15	570 24	
The Bank of Virginia,	-	-	325000 00	-	325000 00	
The Farmers Bank of Virginia,	-	-	505000 00	-	505000 00	
The Bank of the Valley in Virginia,	-	-	-	370000 00	370000 00	
Unappropriated land,	194 52	422 03	182 37	209 71	1008 63	
Washington monument fund,	631 27	226 08	3301 39	403 78	4562 52	
	$437163 30	52959 13	1201121 05	499874 44		
To amount received in fiscal year, ending 30th September 1839,						2191117 92
						$2229858 89

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the Commonwealth, in each Quarter of the Fiscal Year, ending 30th September 1839.

DISBURSEMENTS.	First quarter ending 31st December 1838.	Second quarter ending 31st March 1839.	Third quarter ending 30th June 1839.	Fourth quarter ending 30th September 1839.	Total in fiscal year, ending 30th September 1839.	
By amounts disbursed in the fiscal year ending 30th September 1839, *on the following accounts, to wit:*						
Criminal charges,	16943 10	5562 83	8732 79	3301 67	34540 39	
Contingent expenses courts,	11210 68	5558 31	6622 47	3488 02	26879 48	
Contingent fund,	2030 05	2467 20	2536 24	3551 11	10584 60	
Civil prosecutions,	233 09	2 50	37 33	28 53	301 45	
Expenses of lunatics,	4057 23	1335 24	1800 04	655 97	7848 48	
Expenses of representation,	122 88	99 13	26 63	44 11	292 75	
General appropriation,	508 34	1109 46	6154 24	119 28	7891 32	
General account revenue,	8416 00	3762 50	2434 00	15039 50	29652 00	
General assembly,	429 12	40504 10	42849 60	-	83782 82	
Guards in the country,	1122 36	26 25	1301 50	189 00	2639 11	
Geological survey,	1700 00	1200 00	2700 00	1500 00	7100 00	
Interest on Chesapeake and Ohio canal company stock,	2956 25	3131 25	2962 50	3075 00	12125 00	
Interest on public debt,	-	12607 35	-	1579 64	14186 99	
Lunatic hospitals,	6000 00	12000 00	29635 00	10000 00	57635 00	
Militia fines,	12275 86	7787 62	2327 88	225 00	22616 36	
Military contingent,	307 23	1295 05	347 71	-	1949 99	
Military institute,	-	-	-	2500 00	2500 00	
Officers of government,	20072 74	18051 97	19449 79	20826 07	78400 57	
Officers of militia,	125 00	125 00	125 00	125 00	500 00	
Officers of penitentiary,	2500 00	1750 00	1750 00	1750 00	7750 00	
Pensioners,	320 00	525 96	440 00	213 33	1499 29	
Penitentiary criminal charges,	2681 82	518 89	2956 35	619 04	6776 10	
Penitentiary house expenses,	1249 94	1267 53	1331 37	899 93	4748 77	
Public arsenals,	2128 31	2000 88	3488 79	497 58	8115 56	
Public guard,	6906 96	4798 07	5817 95	5010 60	22533 58	
Public roads,	3326 15	16354 23	-	2007 25	21687 63	
Public warehouses,	910 34	332 02	-	184 64	1427 00	
Repairs of arms,	695 66	957 73	887 88	997 39	3538 66	
Repairs of armory,	-	-	114 99	-	114 99	
Repairs of governor's house,	1 50	48 94	1 50	-	51 94	
Repairs of hall of house of delegates,	-	-	-	1225 00	1225 00	
Reassessment of lands,	-	-	10027 50	20405 47	30432 97	
Slaves executed,	2650 00	3000 00	1800 00	-	7450 00	
Slaves transported,	700 00	700 00	9900 00	1600 00	12900 00	
The board of public works,	-	50000 00	-	35000 00	85000 00	
The Farmers Bank of Virginia,	-	-	505000 00	-	505000 00	
The Bank of Virginia,	-	-	325000 00	-	325000 00	
The Exchange Bank of Virginia,	-	-	295000 00	-	295000 00	
The Bank of the Valley in Virginia,	-	-	-	370000 00	370000 00	
The Northwestern Bank of Virginia,	-	-	-	92282 00	92282 00	
Transportation of free persons of colour,	-	-	7 50	-	7 50	
Transportation of arms,	137 56	-	68 12	-	205 68	
Warrants on account,	377 45	769 16	1470 45	127 79	2744 85	
Washington monument fund,	600 00	800 00	3100 00	600 00	5100 00	
	$113695 62	200449 17	1298205 12	599667 92		
By amount disbursed in fiscal year ending 30th September 1839,	-	-	-	-		2212017 83
By balance on hand 1st day of October 1839,	-	-	-	-	-	17841 06
						$2229858 89
Balances at the end of each quarter,	362208 65	214718 61	117634 54	17841 06		

L. BURFOOT, *Treasurer Com'th.*

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STATEMENT [B.]

A STATEMENT *shewing the amount of Receipts and Disbursements of the Literary Fund, Board Sinking Fund in each quarter of the fiscal year ending 30th September* 1839.—

RECEIPTS.	Literary Fund.	Board of Public Works.	Northwestern Turnpike Road	James River Company.	Comm'rs of the Sinking Fund.	Total.
First Quarter.						
Received in October 1838, - -	617 00	26184 45	5000 00			
" in November " - -	2520 94	500404 66				
" in December " - -	1994 00	8170 00	1100 00			
Total amount of receipts in quarter ending 31st December 1838, - - - -	5131 94	534759 11	6100 00	-	-	545991 05
Balances on hand 1st Oct. 1838, per last ann. rep.	38057 69	42100 98	12204 52	5661 65	39 41	98064 25
	43189 63	576860 09	18304 52	5661 65	39 41	644055 30
Second Quarter.						
Received in January 1839, - -	28597 49	198163 37	4000 00	-	1412 82	
" in February " - -	2016 92	50207 00	13750 00			
" in March " - -	812 53	93607 78				
Total amount of receipts in quarter ending 31st March 1839, - - - -	31426 94	341978 15	17750 00	-	1412 82	392567 91
Balances on hand 1st Jan. 1839, brought down,	34879 62	32520 52	1167 19	3861 65	39 41	72468 30
	66306 56	374498 67	18917 19	3861 65	1452 23	465036 30
Third Quarter.						
Received in April 1839, - - -	20229 28	64196 75	4700 00			
" in May " - - -	5869 72	19296 81	3800 00			
" in June " - - -	1902 43	28650 00	1300 00			
Total amount of receipts in quarter ending 30th June 1839, - - - -	28001 43	112143 56	9800 00	-	-	149944 99
Balances on hand 1st April 1839, brought down,	8073 37	43793 95	5836 52	3861 65	2 23	61567 72
	36074 80	155937 51	15636 52	3861 65	2 23	211512 71
Fourth Quarter.						
Received in July 1839, - -	2759 48	244247 73	2716 00	-	1453 99	
" in August " - -	2853 00	28600 00				
" in September " - -	25093 40	14350 01	1250 00			
Total amount received in quarter ending 30th September 1839, - - -	30705 88	287197 74	3966 00	-	1453 99	323323 61
Balances on hand 1st July 1839, brought down,	9787 70	22131 55	667 21	3856 99	2 23	36445 68
	40493 58	309329 29	4633 21	3856 99	1456 22	359769 29
RECAPITULATION.						
Balances on hand 1st October 1838, -	38057 69	42100 98	12204 52	5661 65	39 41	
Total amount receipts in fiscal year ending 30th September 1839, - - -	95266 19	1276078 56	37616 00	-	2866 81	
	133323 88	1318179 54	49820 52	5661 65	2906 22	

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of Public Works, Northwestern Turnpike Road, James River Company, and Commissioners of the Also the balances at the commencement of the year, and at the end of each quarter.

DISBURSEMENTS.	Literary Fund.	Board of Public Works.	Northwestern Turnpike Road.	James River Company.	Comm'rs of the Sinking Fund.	Total.
First Quarter.						
Disbursed in October 1838,	1356 71	35373 05	12417 33	1800 00		
" in November "	3447 90	501437 67	3000 00			
" in December "	3505 40	7528 85	1720 00			
Total amount disbursed in quarter ending 31st December 1838,	8310 01	544339 57	17137 33	1800 00	-	571586 91
Balances on hand 1st January 1839,	34879 62	32520 52	1167 19	3861 65	39 41	72468 39
	43189 63	576860 09	18304 52	5661 65	39 41	644055 30
Second Quarter.						
Disbursed in January 1839,	37171 06	170429 12	5110 17	-	1450 00	
" in February "	13038 55	34777 88	3088 00			
" in March "	8023 58	125497 72	4882 50			
Total amount disbursed in quarter ending 31st March 1839,	58233 19	330704 72	13080 67	-	1450 00	403468 58
Balances on hand 1st April 1839,	8073 37	43793 95	5836 52	3861 65	2 23	61567 72
	66306 56	374498 67	18917 19	3861 65	1452 23	465036 30
Third Quarter.						
Disbursed in April 1839,	13919 04	81907 26	9023 06	4 66		
" in May "	6011 60	24704 27	2280 00			
" in June "	6356 46	27194 43	3666 25			
Total amount disbursed in quarter ending 30th June 1839,	26287 10	133805 96	14969 31	4 66	-	175067 03
Balances on hand 1st July 1839,	9787 70	22131 55	667 21	3856 99	2 23	36445 68
	36074 80	155937 51	15636 52	3861 65	2 23	211512 71
Fourth Quarter.						
Disbursed in July 1839,	6908 84	236467 60	944 75	-	1456 00	
" in August "	5709 09	14743 98	2020 00			
" in September "	3504 27	23075 71	1600 00			
Total amount disbursed in quarter ending 30th September 1839,	16122 20	274287 29	4564 75	-	1456 00	296430 24
Balances on hand 1st October 1839,	24371 38	35042 00	68 46	3856 99	0 22	63339 05
	40493 58	309329 29	4633 21	3856 99	1456 22	359769 29
RECAPITULATION.						
Total amount disbursed in fiscal year ending 30th September 1839,	108952 50	1283137 54	49752 06	1804 66	2906 00	
Balances on hand 1st October 1839,	24371 38	35042 00	68 46	3856 99	0 22	
	133323 88	1318179 54	49820 52	5661 65	2906 22	

L. BURFOOT, *Treasurer Com'th.*

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STATEMENT [C.]

STATE OF THE TREASURY *at the end of each Quarter*

First Quarter.

Balances as per treasury office books on 1st January 1839, viz:		
To the credit of the commonwealth,		361,599 62
Literary fund,		34,879 62
Board of public works,		32,512 02
Northwestern turnpike road,		1,167 19
James river company,		3,861 65
Commissioners of the sinking fund,		39 41
		$ 434,059 51

Second Quarter.

Balances as per treasury office books on 1st April 1839, viz:		
To the credit of the commonwealth,		214,060 17
Literary fund,		8,073 37
Board of public works,		43,793 95
Northwestern turnpike road,		5,836 52
James river company,		3,861 65
Commissioners of the sinking fund,		2 23
		$ 275,627 89

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of the Fiscal Year ending 30th September 1839.

First Quarter.

In the Bank of Virginia on the 1st day of January 1839, as per account rendered, -	218,268 57	
In the Farmers bank of Virginia, do. do. -	216,473 04	
Total in both banks,		434,741 61
From this total deduct the following checks issued at the treasury office prior to and not paid at bank on the 1st day of January 1839, viz:		
Bank of Virginia, B. P. W. No. 34, issued December 5, 1838, to Richmond Compiler, -	8 50	
Farmers bank of Virginia, No. 2860, issued April 6, 1838, to J. M. Davis, - -	4 00	
1107, " December 29, 1838, to John B. Richardson,	600 00	
1109, " " " to John A. King, -	4 50	
2823, " March 6, 1833, to Meacon Ford, -	53	
Deduct also the following amounts paid in bank, and certificates not returned, viz:		
Bank of Virginia—1831, October 31, J. M'Laurine $ 2 54; 1834, April 11, J. Crews $ 1 71; 1835, April 22, J. M. Mileston 6 cents, D. Burnett 6 cents, S. Jenkins 6 cents, G. Burnett 6 cents, W. Batkins 6 cents, W. H. Earnest 6 cents, G. Hunter 6 cents; 1836, February 12, J. Beckley, &c., $ 1 22; J. Miller $ 1 10; 1837, October 14, J. Kennedy 62 cents; 1838, March 31, N. Frisby $ 3 56, - - -	11 17	
Farmers bank of Virginia—1838, January 10, J. M'Clung $ 36 79 and $ 11 64, -	48 43	
Gain in change at the treasury office prior to April 1829, - - -	4 85	
Gain to the literary fund in the Farmers bank prior to same time, - - -	12	
		682 10
		$ 434,059 51

Second Quarter.

In the Bank of Virginia on the 1st day of April 1839, as per account rendered, -	138,676 85	
In the Farmers bank of Virginia, do. do. - -	138,973 50	
Total in both banks,		277,650 35
From this total deduct the following checks issued at the treasury office prior to and not paid at bank on the 1st day of April 1839, viz:		
Bank of Virginia, No. 2319, issued 25th March 1839, to Henry Wood, - -	24 00	
2322, " " to James S. Clarke, -	206 80	
2335, " " to Andrew Fudge, -	16 00	
2361, " " to Charles H. Hyde, -	3 00	
2328, " " to Harris Hill, - -	4 11	
Farmers bank of Virginia, 2215, 15th " to Timothy Taylor, -	264 00	
2384, 30th " to James Culbertson, -	28 00	
2388, " " to William Roberts, -	112 00	
2823, 6th " 1833, to Meacon Ford, - -	53	
Deduct also the following amounts paid in bank, and certificates not returned, viz:		
Bank of Virginia—January 30th, 1839, to D. Campbell, - - -	107 00	
February 5, 1839, to Blick & Grigg, - - - -	42 88	
" " " " - - - -	685 19	
Amount as in first quarter, - -	11 17	
Farmers bank of Virginia, 1838, January 10, J. M'Clung $ 36 79 and $ 11 64, -	48 43	
1839, February 6, W. S. Morrison $ 37 77, $ 12 35 and $ 4 75,	54 87	
" " C. Anderson $ 389 51 and $ 20, -	409 51	
Gain in change $ 4 85, and gain to literary fund 12 cents, as in first quarter, -	4 97	
		2,022 46
		$ 275,627 89

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STATEMENT [C.]

STATE OF THE TREASURY *at the end of each quarter*

Third Quarter.

Balances as per treasury office books on 1st July 1839, viz:		
To the credit of the commonwealth,	117,634 01	
Literary fund,	9,787 70	
Board of public works,	22,131 55	
Northwestern turnpike road,	667 21	
James river company,	3,856 99	
Commissioners of the sinking fund,	2 23	
		$154,079 69

Fourth Quarter.

Balances as per treasury office books, on 1st October 1839, viz:		
To the credit of the commonwealth,	17,440 53	
Literary fund,	24,371 38	
Board of public works,	35,042 00	
Northwestern turnpike road,	68 46	
James river company,	3,856 99	
Commissioners of the sinking fund,	22	
		$80,779 58

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of the Fiscal year ending 30th September 1839.—CONTINUED.

Third Quarter.

In the Bank of Virginia, on the 1st day of July 1839, as per account rendered, - -	72,598 11	
In the Farmers bank of Virginia, do. do. - -	81,552 53	
Total in both banks,		154,150 64
From this total deduct amounts paid in bank, and certificates not returned, viz :		
Bank of Virginia—For amount as stated in first quarter, - - -	11 17	
Farmers bank of Virginia—1838, January 10, J. M'Clung $ 36 79 and $ 11 64, -	48 43	
1839, June 3, J. Hicronimus, - - -	5 85	
Deduct also check No. 2823, to M. Ford, issued 6th March 1833, on the Farmers bank, -	53	
And gain in change $ 4 85 and to literary fund 12 cents, as heretofore, - -	4 97	
		70 95
		$ 154,079 69

Fourth Quarter.

In the Bank of Virginia on the 1st day of October 1839, as per account rendered, -	41,998 47	
In the Farmers bank of Virginia, do. do. - -	39,252 06	
Total in both banks,		81,250 53
From this total deduct for amounts paid in bank, and certificates not returned, &c., as in third quarter, - - - - - - - - -	70 95	
And also check No. 3995, to Richard M'Rae, issued 30th September 1839, on Bank of Virginia,	400 00	
		470 95
		$ 80,779 58

L. BURFOOT, *Treasurer Commonwealth.*

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STATEMENT [D.]

CINCINNATI FUND.

LAWSON BURFOOT *Treasurer of the Commonwealth, in account with the Cincinnati Fund.*

DR.

1838—December 14,	To balance per last annual report, - - -		-	1,425 46
1839,	To January dividend Bank of Virginia, - -	247 50		
	" " Farmers bank, - -	50 00		
	To July " Bank of Virginia, - -	275 00		
	" " Farmers bank, - -	60 00		
	To interest on loan to the state per certificate No. 933, -	26 10		
				658 60
				$2,084 06

CR.

1839—January 16,	By cash paid Mrs. Nestell, for half year's pension, due 1st inst., -	50 00	
" 21,	By cash paid Mrs. Whitaker, for half year's pension, due 1st inst.,	50 00	
March 25,	By cash loaned the state per certificate No. 933, - -	1,620 00	
July 12,	By cash loaned the state per certificate No. 14, - -	260 00	
" 16,	By cash paid Mrs. Whitaker, for half year's pension, due 1st inst.	50 00	
Oct'r 1,	Balance in the Bank of Virginia, - - -	54 06	
			$2,084 06

List of Stocks in my possession belonging to this Fund.

23 shares Bank of Virginia per certificate No. 7423
32 " " " 1599
10 " Farmers bank, " 4569
Certificate of loan to the state for $1620, numbered 933.
Certificate of loan to the state for $260, numbered 14.

A list of surviving Pensioners chargeable on this Fund.

Mrs. Elizabeth Whitaker, Richmond.
Mrs. Mary Nestell, Norfolk.

L. BURFOOT, *Treasurer Com'th Va.*

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STATEMENT [E.]

WASHINGTON MONUMENT FUND.

By the second section of the act of assembly passed the 22d February 1828, the treasurer of the commonwealth is required to report annually to the legislature the particular condition of this fund. In discharge of that duty, I make the following statement:

1838—December 18,	To balance of uninvested interest in the treasury as per last annual report, - - - -		1,122 33
" 27,	By loan to John B. Richardson, - - -		600 00
			522 33
December 29,	To interest received from John B. Richardson on $3000,	90 00	
1839—January 9,	To interest received from John M'Millan, - -	57 00	
			147 00
			669 33
29,	By loan to John B. Richardson, - -		600 00
			69 33
February 11,	To interest received from R. I. Curtis, - -	60 00	
28,	To do. do. E. H. Boisseau, -	109 08	
			169 08
			238 41
February 28,	By loan to J. B. Richardson, - -		200 00
			38 41
April 4,	To this sum received from Samuel Jones on account of principal and interest heretofore loaned to him—principal,	3,000 00	
	interest,	59 50	
			3,059 50
			3,097 91
April 4,	By loan to Elijah Bailey, - - - -		3,000 00
			97 91
May 4,	To interest received from Richard Hardesty, - -	60 00	
11,	do. do. Abigail Mayo, - -	181 89	
			241 89
			339 80
June 1,	By loan to John B. Richardson, - - - -		100 00
			239 80
July 1,	To interest received from John B. Richardson, - -	131 32	
6,	do. do. E. H. Boisseau, - -	109 08	
6,	do. do. C. T. Botts, - -	73 38	
			313 78
			553 58
July 10,	By loan to J. B. Richardson, - - - -		550 00
			3 58
September 6,	To interest received from Elijah Bailey, - -		90 00
			93 58

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	Brought forward, - - -			93 58
1839—September 14,	By loan to John B. Richardson, - - -			50 00
				43 58
October 1,	To interest received from J. B. Richardson, - -			75 13
				118 71
October 11,	By loan to John B. Richardson, - - -			100 00
				18 71
November 9,	To interest received from Mrs. Mayo, - -		181 89	
" 22,	do. do. C. T. Botts, - -		17 00	
				198 89
				217 60
November 22,	By loan to John B. Richardson, - - -			200 00
	Uninvested interest, - - - -			$ 17 60

Present condition of the Fund.

Loan to Mrs. Mayo, - - -	-		6,063 10
Samuel Jones, - - -	4,200 00		
Paid, - - - -	3,000 00		
		1,200 00	
Balance of loan to E. H. Boisseau, - -			3,636 25
Loan to R. I. Curtis, - - -			1,000 00
Richard Hardesty, - - -			1,000 00
C. T. Botts, two loans, - - -			1,506 45
J. B. Richardson, - - -			3,000 00
John M'Millan, - - -			1,900 00
J. B. Richardson, - - -			2,400 00
Elijah Bailey, - - -			3,000 00
		24,705 80	
Uninvested interest as above, - -			17 60
		$ 24,723 40	

Interest due and unpaid.

Samuel Jones, - - - -	72 00
Richard Hardesty, - - -	30 00
R. I. Curtis, - - -	30 00
J. M'Millan, - - -	114 00
	$ 246 00

L. BURFOOT, *Treasurer Com'th Va.*

November 23, 1839.

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[DOC. No. 4.]

SECOND AUDITOR'S REPORT

ON THE STATE OF

THE LITERARY FUND,

FOR THE YEAR 1839,

AND PROCEEDINGS OF THE

SCHOOL COMMISSIONERS

IN THE DIFFERENT COUNTIES,

FOR THE YEAR ENDING

SEPTEMBER 30, 1838.

REPORT.

SECOND AUDITOR'S OFFICE, DECEMBER 2, 1839.

TO THE GENERAL ASSEMBLY OF VIRGINIA.

In conformity to law, I have the honour to lay herewith before the general assembly, the accounts of the Literary fund for the year ending 30th September, 1839, together with the usual documents in relation to the transactions of the school commissioners, during the year ending the 30th September, 1838, agreeably to the annexed list.

At the end of the year, there remained of the permanent funds in money, a balance of $4345 24. At this time, the whole of the fund, amounting to $1,413,555 06, is invested in bank, commonwealth and other stocks, of the best description, and except the bank stocks, all bearing a fixed rate of interest.

The proper increase of the permanent capital was $17,203 92, but it was reduced to $7203 92 by the payment of $10,000 to the asylum for the deaf and dumb and the blind, being the first instalment of the appropriation for the site and buildings of the institution, under the act of 31st March, 1838. When this instalment was required, there was no money on hand which could be applied to its payment; the president and directors of the Literary fund, therefore directed as much of the bank stocks to be sold, as was necessary, and, accordingly, ninety-four shares of the Farmers bank were disposed of, at prices averaging $104 per share. (Note to statement C.)

The amount of loans made to individuals in 1822, ($80,000,) has at length been fully refunded, by the payment into the treasury, of $700, the balance of the debt of Edmund Harrison. (Note to statement C.)

Owing to the unusually large receipts from bank stocks, produced partly by a division of the surplus profits of those institutions at the time of increasing their capital, during the past year, the revenue of the fund amounted to $102,590 46, a larger sum than it has ever before reached. It proved sufficient, therefore, not only to pay all the charges imposed on it, but left a surplus of $4293 82, which was carried as formerly practised, to the credit of the permanent capital. (Note to statement B.)

The appropriations provided for out of the revenue, amounted to $95,100, (statement E.) In this sum is included the first or current year's annuity of $10,000, to the asylum for the deaf and dumb and the blind, of which $4000 has been lately paid; official information having been communicated to the president and directors of the Literary fund, that the institution was in actual operation.

By the act which established the asylum, the additional appropriation for the *education of the poor*, which previously absorbed *the whole* of the surplus revenue, was limited to $25,000. This with the original appropriation of $45,000, makes $70,000 applicable to that object, a sum which may now be considered as fixed, there being no reason to doubt of the ability of the future revenue to provide it.

In consequence of the very heavy demands made upon the public treasury, by the Board of public works, for the payment of interest upon the internal improvement debt, and the consequent reduced state of the treasury, it was deemed advisable, by the president and directors of the Literary fund, to permit the interest due on the 7 per cent. debt of the commonwealth, and the internal improvement debt, amounting together, to $28,429 36, (note to statement D.) to remain undrawn until the revenue of the state for the year, should be paid in, as no inconvenience of any kind would result from that course to the interests of the Literary fund.

Statement F. contains a list of the school quotas undrawn on the 30th September. They amounted to $35,877 20. The large amount which uniformly remained in the treasury on this account, authorised a partial investment. Accordingly, $22,750 have been converted, at different periods, into stocks, leaving still in the treasury, $13,127 20. Upon these stocks there has been received in all, from the time of investment, dividends and interest amounting to $5906 86, or more than twenty-six per cent. upon the cost.

The same statement will shew the forfeitures of school quotas incurred in certain counties, by the failure on the part of the school commissioners to employ the funds they were entitled to, for a period of three years, ending the 1st January last. They amount to $2381 01, and are applied to the increase of the permanent capital. (Note to statement B.)

Applications have been several times made to the legislature, to restore to the school commissioners the amount of forfeiture incurred by them. They have so far failed, and I sincerely trust, they will continue here-

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after to do so, being perfectly satisfied that a forfeiture may in every case be avoided by a very small degree of exertion and attention on the part of the commissioners.

The income of the current year is estimated in statement G. at $89,592. Fully one fourth of this sum is predicated upon dividends on bank stocks, at six dollars per share of one hundred dollars. This estimate will scarcely be exceeded, on the contrary, the embarrassments in which those institutions are involved, may possibly diminish it considerably. If, however, the estimated dividends should be received and no more, it will be seen by statement G. that the surplus revenue will amount to about $27,492, and that after setting apart $25,000 for the primary schools, there will remain but a small sum towards the payment of the annuity of the asylum of the deaf and dumb and of the blind, for the year 1840–41.

According to statement H. there remained on the 30th September, 1838, in the hands of the treasurers of school commissioners, unexpended balances to the amount of $39,387 90, after deducting all the expenditures of the year ending on that day. This sum added to $69,833 71, subsequently paid, gives an amount of $109,221 61, to be accounted for in the returns of the year just past, the period for the rendition of which has now arrived.

The results of the school operations of the year 1838, are embodied in statements I. and K. The former shews that 25,965 poor children were sent to the common and Lancastrian schools of the counties and towns of the state during that year, and that 407 attended the district free schools established in the counties of Washington, Smyth and Campbell, under the provisions of the act of February 25th, 1829, the aggregate number of the whole being 26,372, and exceeding by 3000 the number attending school in any previous year. The character of these returns is indicative of continued improvement in the performance of the duties devolved on the school commissioners, and of a considerable extension of the benefits of the system to the poor. They are also very generally unexceptionable in point of form. It is still apparent, however, that in many instances much less personal exertion is made on the part of the school commissioners, to give proper efficiency to the system than might be anticipated from gentlemen specially selected for the office by the respective courts, for their known private worth, intelligence and devotion to the public good. The cause of this inertness on their part may, I think, be attributed in a great measure to the contempt and neglect the system experiences from many of the highly educated portion of our fellow citizens, with whose countenance and assistance the system would soon reach a much higher state of usefulness, whilst their contempt and ridicule subject it to unmerited odium, and tend very powerfully to suppress the interest and dampen the efforts which would otherwise be felt and made in its behalf. Yet so simple is the system, and at the same time so efficient are its provisions and regulations, that even under the disadvantages spoken of, and others equally great, it prospers and improves; and there is reason to believe, that the aggregate of benefit conferred by it upon the poor is fully equivalent to the amount expended.

It must not be supposed that the foregoing observations in favour of the existing humble system, (which aims at imparting to the destitute a knowledge of reading, writing and arithmetic only,) proceed from an undue partiality towards *it*, and an ignorance of its imperfections; or on the other hand from any hostility to the introduction of a more extended and perfect system of education, embracing academies and colleges in its provisions. Their object is to guard against a total subversion of the only system which the present, or probable future condition of the finances of the *state treasury* is, or will be capable of supporting unaided by taxation and voluntary contributions, to render it as efficient as possible, and through its means to keep alive throughout the state, correct opinions and a proper feeling in regard to education, which prevail extensively at this time, but might vanish with the destruction of that system.

It has long been my settled opinion that a system similar to that established in the state of New York, can only be introduced by degrees into this state. Many of our counties have so rugged a surface, and a population so sparse in comparison to their extent, and withal possessed of such limited means that any attempt to establish that system in *them*, under such disadvantages, must fail of success. The population of others, however, is dense, wealthy and public spirited, and so far, therefore, *they* are competent and prepared for its introduction amongst themselves in its fullest extent, and it behoves them to set the example to the rest of the state: but in granting the necessary legal authority for that purpose, definite and permanent provision should be made to secure its continued maintenance and support. To this end, any deficiency which might exist after the application of the appropriation from the public treasury, together with the local funds and private contributions, should be annually raised by taxation upon the property of the inhabitants under the direction of such local authority as may be designated by law. Unless there exist an effectual and obligatory mode of providing for a deficiency, very little dependence can be placed on the regular continuance of the schools, although the proper buildings may be erected and completely furnished with fixtures, books and apparatus.

This conclusion is justified by the result of experiments in our own state on the principle of voluntary contribution, as may be seen by an examination of the documents marked K. of this and former reports which contain abstracts of the returns of the district schools established on that principle in some of the counties under the provisions of the 1st, 2nd and 3rd sections of the act of 25th February, 1839.

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At foot of document H. is a list of fourteen academies to which the surplus school quotas of the counties in which they are situated have been wholly or in part applied. Document M. contains copies of all the reports made by such academies, for the year 1838. As the law now stands, these institutions are only bound to make an annual report of the particular "manner in which such appropriation is employed." It will be seen by the reports now transmitted, how totally deficient some of them are of such details as ought to be given.

To remedy this omission, I would respectfully suggest, that these and all other literary institutions, which do now or may hereafter receive any aid from the public treasury, directly or indirectly, be required by law to embrace in their reports such additional information respecting their resources, regulations and condition as may be called for by the president and directors of the Literary fund. The legislature will in this way become possessed of a correct knowledge of the standing and usefulness of those institutions, and will be more fully prepared to judge of their fitness to be incorporated in a general system of education.

Document N. contains a list of the books in use at the different schools of the state to which poor children are sent. It will afford a better criterion that mere conjecture for an estimate of the value of the instruction received by the poor through the agency of the school commissioners.

With a view of complying with the duty enjoined on them by an act of 6th April last, the president and directors of the Literary fund caused an advertisement to be inserted in the public papers inviting proposals for the compilation or selection, and the publication of proper books for the use of the primary schools of the state. No proposals, however, of a satisfactory character have been yet presented. It is all important that a series of school books peculiarly suited to the habits and institutions of our own state should be adopted, and a strict attention to this object may occasion some delay in the performance of the duty.

The proceeds of the sales of the Bristoe tract, belonging to the Literary fund, will amount to between eleven and twelve thousand dollars. A part of the purchasers have executed the necessary writings, and the agent for the estate is engaged in obtaining the remainder. The payments of the purchase money were fixed at one tenth in cash, and the balance in ten equal annual instalments with interest, the title being retained in the commonwealth until full payment. By the sale of this property, the annual revenue of the fund will be improved, and the prosperity of the county in which it lies be it is understood essentially promoted.

Respectfully submitted,

J. BROWN, Jr., *Second Auditor*
And Superintendent of the Literary Fund.

LIST OF DOCUMENTS.

A.—State of the Fund.
B.—Permanent Capital.
C.—Stocks and Loans.
D.—Revenue.
E.—Charges on Revenue.
F.—Statement of School Quotas.
G.—Estimate of Receipts and Disbursements 1840.
H.—Abstract of Accounts of School Treasurers.
I.—Abstract of School Commissioners' Reports.
K.—Operations of District Free Schools.
L.—Extracts from School Commissioners' Reports.
M.—Reports of Academies.
N.—Books in use in Primary Schools.

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A.

STATE OF THE LITERARY FUND,

30th September, 1839.

The permanent capital amounts, as per statement B, to		1,413,555 06	
Of which there is invested in productive stocks and loans, as per statement C,		1,409,209 82	
Leaving subject to investment,			4,345 24
The undrawn school quotas for the years 1837, 1838 and 1839, amount, as per statement F, to		35,877 20	
(a) Of which there is temporarily invested, to be reconverted into money as the wants of the school commissioners may require,		22,750 00	
			(a)13,127 20
On account of the annuity to Margaret academy,			
There remained undrawn on the 30th September, 1838, the annuity of 1838,		100 00	
And the annuity of 1839, was		100 00	
Both of which remain undrawn,			200 00
The annuity to the University of Virginia for 1839, was		15,000 00	
Of which there has been paid as follows, viz:			
To the orders of the rector and visitors,	13,813 80		
For interest on the debt of the university to the late Mrs. Martha Randolph, of $19,770, agreeably to the provisions of an act passed 25th March, 1837,	1,058 10		
		14,871 00	
Leaving undrawn interest,			128 10
The annuity to the Virginia institution for the education of the deaf and dumb and of the blind for the year commencing 1st October, 1839, amounts to			10,000 00
The appropriation for primary schools, out of the surplus revenue for the year 1839, and which is payable after the 1st January, 1840, is			25,000 00
Total balances 30th September, 1839,			(b)$52,800 54
The revenue for the year 1839, amounted, as per statement D, to		102,590 46	
Of which there was expended, as per statement E,		98,296 64	
Leaving a balance which was applied to increase the permanent capital, as per statement B, of		$4,293 82	

Notes.—(a) These investments are as follows, viz:

65 shares Bank of Virginia stock, purchased in 1833,	7,150 00
6 per cent. stock of the corporation of Richmond, purchased in 1837,	10,600 00
5 per cent. state stock, (Northwestern road,) purchased in 1837,	5,000 00
	$22,750 00

Dividends and interest have been received on the same, from the time of the first investment, to the aggregate amount of $5,906 86

(b) Of the above balance,

	52,800 54
There is uncollected, as per note to statement D,	28,429 36
Leaving cash in the treasury,	$24,371 18

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Second Auditor.

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B.

PERMANENT CAPITAL,

30th September, 1839.

The amount received from each source is as follows, viz:

Lottery privileges,	34 00	
Fines, forfeitures and penalties,	262,499 40	
Redemption of lands,	20,167 66	
Escheats and derelict estates,	47,478 76	
Bristoe estate,	11,737 59	
United States debt,	1,210,550 41	
Gain on United States six per cent. loan,	818 18	
Surplus revenue from commencement to 30th September, 1839,	105,677 14	
Bank of Virginia, profit on sale of additional capital in 1835,	2,862 68	
School quotas forfeited,	8,869 76	
	1,670,695 58	
Less, loss on 600 shares U. S. bank stock,	18,050 00	
		1,652,645 58

Deduct the following, as directed by a resolution of the president and directors of the Literary fund, viz:

Loans to the University of Virginia, (paying no interest,)	180,000 00	
Debt due from J. Preston, (considered lost,)	58,441 07	
Do. from P. Smith, do.	649 45	
		239,090 52
Total amount of capital,		$1,413,555 06

NOTE.—*Variations within the year:*

Amount as reported 30th September, 1838,			1,406,351 14
Add nett increase, viz:			
From fines, forfeitures and penalties, $10,498 04. Less, fines returned under acts of assembly, $80,	10,418 04		
From sales of Bristoe estate,	131 06		
From school quotas forfeited 1st January, 1839, as per statement F,	2,381 01		
From surplus revenue this year, after paying appropriations and expenses, as per statement A,	4,293 81		
	17,223 92		
Deduct, paid escheator and attorney of Halifax county, for taking inquisition on Job Hammond's land,	20 00		
		17,203 92	
Paid to "the Virginia institution for the education of the deaf and dumb and of the blind," being the first year's instalment out of the surplus revenue, to 30th September, 1834, for the purchase of a site and the erection of buildings, under act of 31st March, 1838,		10,000 00	
			7,203 92
Total amount of capital as above,			$1,413,555 06

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C.

STOCKS AND LOANS BELONGING TO THE PERMANENT CAPITAL,

30th September 1839.

Bank of Virginia	stock -	2056 shares, at cost, -	-	-	203,312 57
Farmers Bank of Virginia	" -	1054 " " -	-	-	102,305 75
Northwestern Bank of Virginia,	" -	500 " " -	-	-	50,000 00
Bank of the Valley,	" -	92 " " -	-	-	10,134 00
James river company,	" -	183 " " -	-	-	75,855 00
Certificates of state debt, viz:					
Old military debt, - -		6 per cent. -	24,039 17		
Bank loan of 1814, - -		7 per cent. -	319,000 00		
				343,039 17	
Loans to James river company, $ 400,583 33		—6 per cent.—cost, -	401,893 33		
106,000 00		—5 per cent.—cost, -	106,700 00		
				508,593 33	
Loans to Board of public works,		6 per cent., -	29,700 00		
		5 per cent., -	31,000 00		
				60,700 00	
Loans to Northwestern turnpike road,		6 per cent., -	8,950 00		
		5 per cent., -	17,000 00		
				25,950 00	
Loans obtained under act authorizing a subscription to Chesapeake and Ohio canal company—5 per cent., - - - - -				5,000 00	
					943,282 50
Corporation of Richmond stock—6 per cent. stock of 1829, -		$ 8,000—cost, -		8,420 00	
Do. do. of 1836, -		2,000—cost, -		2,000 00	
5 per cent. (Richmond academy),		400—cost, -		400 00	
					10,820 00
Loan to Washington college—6 per cent., - - - -				-	4,000 00
Loans to Library fund, do. - - - -				-	9,500 00
Total amount, - - -				-	$ 1,409,209 82

Variations within the year:					
Amount reported 30th September, 1838, - - - - - - -					1,405,321 82
Add investments during the year, viz:					
Loans to Board of public works,	6 per cent., - -	5,400 00			
Loans to Northwestern turnpike road company,	do. - - -	8,950 00			
			14,350 00		
Deduct, received balance of prinicipal due on loan to Edmund Harrison, - -		700 00			
Received for 94 shares of Farmers bank stock, sold to pay appropriation to institution for the education of the deaf and dumb and blind, $ 9,776. Less, brokerage paid for selling, $ 14,		9,762 00			
			10,462 00		
				3,888 00	
Amount as above, - - - - -					$ 1,409,209 82

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Second Auditor.

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D.

REVENUE DERIVED FROM INTEREST, DIVIDENDS AND RENTS,

During the year ending 30th September, 1839.

Interest on					
Virginia 6 per cent. stock,	$ 24,039 17,	1 year to 31st Dec., 1838,	- -	-	1,442 35
Virginia 7 per cent. stock,	319,000 00,	" 30th June, 1839,	- -	-	22,330 00
Certificates of state loans, viz:					
James river company,	406,583 33,	($106,000, 5 per cent. $400,583 33, 6 per cent.,) 1 year to 30th June, 1839, - -		29,335 00	
Board of public works,	60,700 00,	($31,000, 5 per cent. $29,700, 6 per cent.,) to 30th June, 1839, - - -		3,107 74	
Northwestern road,	29,700 00,	($22,000, 5 per cent. $7,700, 6 per cent.,) to 30th June, 1839, - - -		1,370 55	
Chesapeake and Ohio canal,	5,000 00,	5 per cent., 1 year to 30th June, 1839, -		250 00	
					34,063 29
Loan to Washington college,	4,000 00,	6 per cent., 1 year to 30th June, 1839, -		-	240 00
Loans to Library fund,	9,500 00,	" " " -		-	570 00
Corporation of Richmond stock,	8,000 00,	" " to 26th August, 1839, -		480 00	
	12,600 00,	" " to 30th June, 1839, -		756 00	
					1,236 00
Richmond academy stock,	400 00,	5 per cent., " " -		-	20 00
Loans to individuals,	In full of interest on E. Harrison's debt, -			-	131 57
Dividends on					
183 shares old James river company stock,		January and July, $30 per share, -		-	5,490 00
2,121 " Bank of Virginia stock,		" 9½ " -		-	20,149 50
1,148 " Farmers bank of Virginia stock,		January, 5 " -		5,740 00	
1,102 " Do.		July, 6 " -		6,612 00	
					12,352 00
92 " Bank of the Valley stock,		January and July, 13 " -			1,196 00
500 " Northwestern bank of Virginia stock,		" 6 " -			3,000 00
Rents—Received of J. Gibson, agent of Bristoe estate, on account of rents of said estate, -					369 75
					(a)$ 102,590 46

Note(a).—Of this amount, there remains uncollected, for reasons stated in second auditor's report, the sum of 28,429 36, viz:

From the Board of public works, for interest due 1st July on certificates of state loans,		17,014 36
From the commonwealth, " " on $319,000, 7 per cent. stock,		11,165 00
Do. " " on $5,000, 5 per cent. stock issued for payment of state subscription to Chesapeake and Ohio canal company,		250 00
		$ 28,429 36

(a) Amount of revenue as above, - - - -	102,590 46	
Deduct charges and appropriations as per statement E, -	98,296 64	
Surplus to credit of permanent funds,	$ 4,293 82	

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J. BROWN, Jr.,
Second Auditor.

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E.

CHARGES ON THE REVENUE AND APPROPRIATIONS

During the year ending 30th September, 1839.

CHARGES:			
	Salaries:—To second auditor, 1 year to 30th June, 1839, -	1,000 00	
	To second auditor's clerks, 1 year to 30th June, 1839,	750 00	
			1,750 00
	Expenses:—Paid messenger of the board 1 year's services, to 30th June, 1839, - - -	80 00	
	Postages $64 07, books and stationary $18 51, various incidental expenses $11 04, - -	93 62	
	Paid for 500 copies of second auditor's report of 1838, for use of school commissioners, - -	57 25	
	Paid blanks printed for second auditor's office, -	9 00	
	Paid for advertising apportionment of surplus revenue of 1838 $9, and notice to authors and compilers of school books $19, - - -	28 00	
	Paid attorney's fee in case of Dawson's heirs, in Albemarle superior court, $1000, and attorney general's fee in same case in court of appeals, $20, -	1,020 00	
	Paid for copy of act fixing school quotas of Botetourt and Roanoke, - - - -	1 00	
	Paid for printing blank bonds and agreements for sales of Bristoe estate, - - -	7 50	
	Paid for surveying Bristoe estate, and sundry lots therein,	120 27	
	Advanced special agent to defray expenses to and from Brentsville, with bonds and agreements to be executed for sales of Bristoe estate, - -	30 00	
			1,446 64
			3,196 64
APPROPRIATIONS:—To the University of Virginia, for the year 1839, - - -			15,000 00
To Margaret academy, for the year 1839, - - -			100 00
To primary schools, for the year 1839, - - - -			45,000 00
To primary schools, for the year 1840, being the amount appropriated out of the surplus revenue of this year, per act 31st March, 1838, establishing the institution for the deaf, dumb and blind, - - -			25,000 00
To the Virginia institution for the education of the deaf and dumb, and of the blind, for the first year's appropriation for support of the same, commencing 1st October, 1839, per act of 31st March, 1838, - - -			10,000 00
			95,100 00
			$98,296 64

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Second Auditor.

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F.

STATEMENT OF SCHOOL QUOTAS,

For the year ending 30th September, 1839.

	1836.	1837.	1838.	1839.	TOTALS.
Amount subject to be drawn in 1839, as per report of 30th September, 1838, adding $45,000, the fixed appropriation for 1839, and $29,170 20, the surplus revenue of 1838,	2641 59	9631 91	22648 22	73170 20	108091 92
Deduct quotas forfeited 1st Jan. 1839, having remained undrawn in the treasury 3 years,	a2381 01	-	-	-	2381 01
	260 58	9631 91	22648 22	73170 20	105710 91
Paid since 30th September, 1838, - - - - - -	260 58	7743 39	13332 92	48496 82	69833 71
Amounts undrawn 30th September, 1839, as per list below, - - -	-	1888 52	9315 30	24673 38	35877 20

SCHOOL QUOTAS UNDRAWN *30th September*, 1839.

	1837.	1838.	1839.	TOTALS.		1837.	1838.	1839.	TOTALS.
Amelia, -	-	-	347 03	347 03	Mercer, -	-	-	242 81	242 81
Alleghany, -	-	244 93	-	244 23	Monroe, -	-	-	741 18	741 18
Accomack, -	-	-	996 74	996 74	Morgan, -	-	280 03	265 48	545 51
Brunswick, -	-	125 08	-	125 08	Nelson, -	-	-	546 53	546 53
Buckingham, -	-	-	756 37	756 37	Nicholas, -	-	208 34	197 51	405 85
Campbell, -	-	-	1053 34	1053 34	Norfolk county, -	-	-	00 01	00 01
Clarke, -	-	347 40	329 35	676 75	Northampton, -	-	-	376 65	376 65
Charles City, -	-	-	187 79	187 79	Orange, -	-	717 68	680 39	1398 07
Culpeper, -	-	-	596 00	596 00	Patrick, -	-	-	579 23	579 23
Cumberland, -	-	450 05	427 23	877 88	Preston, -	-	-	525 67	525 67
Elizabeth City, -	-	-	175 25	175 25	Petersburg, -	-	-	362 54	362 54
Franklin, -	-	-	1025 20	1025 20	Prince Edward, -	-	-	531 04	531 04
Fayette, -	-	-	226 58	226 58	Prince George, -	-	-	323 43	323 43
Frederick, -	-	1304 60	1236 80	2541 40	Princess Anne, -	570 92	558 60	529 57	1659 09
Grayson, -	-	-	754 68	754 68	Powhatan, -	-	295 81	280 44	576 25
Greenbrier, -	-	-	756 89	756 89	Pocahontas, -	-	-	242 18	242 18
Greensville, -	-	233 89	221 74	455 63	Richmond county, -	-	-	313 53	313 53
Gloucester, -	-	-	454 63	454 63	Shenandoah, -	-	-	450 08	450 08
Goochland, -	-	428 75	406 47	835 22	Southampton, -	-	-	692 71	692 71
Hanover, -	318 47	725 45	687 75	1731 67	Sussex, -	-	-	433 98	433 98
Henrico, -	-	635 37	602 39	1237 76	Tyler, -	-	-	420 60	420 60
Jackson, -	-	-	252 81	252 81	Warwick, -	71 93	70 37	66 72	209 02
Lee, -	-	648 08	614 37	1262 45	Westmoreland, -	-	-	240 46	240 46
Logan, -	-	-	285 71	285 71	Williamsburg, -	-	-	61 27	61 27
Lunenburg, -	-	497 90	472 03	969 93	Wythe, -	927 20	907 20	860 06	2694 46
Madison, -	-	-	452 00	452 00	York, -	-	191 87	181 90	373 77
Mathews, -	-	444 00	420 92	864 92					
Mecklenburg, -	-	-	787 34	787 34		1888 52	9315 30	24673 38	35877 20

Note (a)—QUOTAS OF THE YEAR 1836 FORFEITED.

Bath, - - - -	111 68
Dinwiddie, - - -	208 23
Frederick, - - -	1,929 26
Greensville, - - -	220 38
Goochland, - - -	154 00
Hampshire, - - -	301 15
Warwick, - - - -	66 31
	$2,381 01

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G.

ESTIMATE OF THE CERTAIN AND PROBABLE RECEIPTS AND DISBURSEMENTS ON ACCOUNT OF THE REVENUE,

In the year 1840.

RECEIPTS.

Dividends on					
2,121	shares Bank of Virginia stock,	at $ 6,	- -	12,726 00	
1,054	" Farmers bank of Virginia stock,	6,	- -	6,324 00	
500	" Northwestern bank of Virginia stock,	6,	- -	3,000 00	
92	" Bank of the Valley stock,	6,	- -	552 00	
183	" James river company stock,	30,	- -	5,490 00	
					28,092 00
Interest on					
$ 24,039 17	Virginia six per cent. stock, -	-	- -	1,442 35	
319,000 00	Virginia seven per cent. stock,	-	- -	22,330 00	
4,000 00	Loan to Washington college, 6 per cent.,	-	- -	240 00	
9,500 00	Loans to Library fund, 6 per cent.,	-	- -	570 00	
20,600 00	Corporation of Richmond stock, 6 per cent.,		- -	1,236 00	
400 00	Richmond academy stock, 5 per cent.,	-	- -	20 00	
603,233 33	Certificates of state debt for internal improvement, 5 and 6 per cent.,			34,503 30	
	Probable investments of permanent capital during the year,		- -	358 35	
					60,700 00
Rents of Bristoe Estate:					
	Probable amount from back rents, and from interest payable by purchasers of lots,		-	-	800 00
		Total probable receipts,	-	-	89,592 00

DISBURSEMENTS.

Annual Appropriations:				
For primary schools, fixed appropriation, - - -	45,000 00			
To University of Virginia, - - - - -	15,000 00			
To Margaret academy, - - - - -	100 00			
		60,100 00		
Charges and Contingent Expenses:				
Salaries of second auditor and clerks $ 1750, printing second auditor's report, blanks for office, postages, salary of messenger, and other contingent expenses, $ 250, - -		2,000 00		
	Total probable disbursements, -			62,100 00
	Probable surplus, -			(a) $ 27,492 00

(a) Agreeably to the provisions of the act of 31st March, 1839, establishing the institution for the education of the deaf and dumb, and of the blind, this surplus is appropriated as follows, viz:

To primary schools for the year 1841, - - - - - - - - -	25,000 00
To the institution abovementioned, on account of the appropriation for the year commencing 1st October, 1840, balance,	2,492 00
	$ 27,492 00

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ABSTRACT

OF

ACCOUNTS OF TREASURERS OF SCHOOL COMMISSIONERS,

Received between 30th September, 1838, and 1st October, 1839.

COUNTIES AND TOWNS.	Amt in the hands of School Treasurers 30th September, 1838, per Second Auditor's report.	School quotas paid during the year ending 30th September, 1839.	Total amount of debits.	For what years disbursed.	Total disbursements for tuition, books, compensation to officers, &c.	Surplus quotas appropriated to Academies.	Balances in hands of School Treasurers 30th September, 1839, to be accounted for.
Albemarle,	1794 54	1101 81	2896 35	1838,	682 14	-	2214 21
Amelia,	507 20	366 06	873 26	"	329 76	-	543 50
Amherst,	1064 88	620 00	1684 88	"	706 91	-	977 97
Alleghany,	386 16	231 54	617 70	"	290 39	-	327 31
Accomack,	2124 09	-	2124 09	"	645 65	-	1478 44
Augusta,	1218 64	1607 89	2826 53	"	1164 54	500 00	1161 99
Bath,	441 08	294 76	735 84	"	256 94	-	478 90
Braxton,	310 04	179 15	489 19	"	179 62	-	309 57
Bedford,	2030 37	1172 22	3202 59	"	1375 97	-	1826 62
Berkeley,	1461 04	877 13	2338 17	1837 and 1838,	956 90	100 00	1281 27
Botetourt,	1664 42	1479 35	3143 77	"	1365 40	905 85	872 52
Brooke,	616 96	713 90	1330 86	1838,	461 49	274 85	594 52
Brunswick,	685 43	568 78	1254 21	"	650 12	-	604 09
Buckingham,	1282 74	815 42	2098 16	"	488 73	-	1609 43
Cabell,	1065 73	555 07	1620 80	"	702 57	213 70	704 53
Campbell,	2043 26	1135 58	3178 84	1837 and 1838,	805 76	-	2373 08
Caroline,	1602 93	684 90	2287 83	"	518 30	-	1769 53
Charles City,	222 02	400 53	622 55	"	229 59	-	392 96
Charlotte,	740 03	588 37	1328 40	1838,	568 36	-	760 04
Clarke,	483 73	355 07	838 80	1837 and 1838,	135 56	-	703 24
Chesterfield,	1730 33	812 43	2602 76	1838,	1006 81	-	1595 95
Culpeper,	1388 45	-	1388 45	1837 and 1838,	525 58	-	862 87
Cumberland,	463 81	460 59	924 40	1838,	216 16	-	708 24
Dinwiddie,	1072 71	549 59	1622 30	"	643 00	-	1079 30
Essex,	596 92	384 34	981 26	"	497 69	-	483 57
Elizabeth City,	321 02	284 96	606 58	"	253 05	109 71	243 82
Fairfax,	499 50	1659 38	1558 97	"	630 67	-	928 30
Fauquier,	1832 49	2804 66	4637 15	1832 to 1838, inclusive,	2184 17	-	2452 98
Franklin,	1128 97	1081 39	2210 36	1838,	977 84	-	1232 52
Fayette,	618 70	239 00	857 70	"	239 15	-	618 55
Frederick,	1269 54	1333 36	2602 90	"	817 07	-	1785 83
Floyd,	855 60	484 78	1340 38	"	394 06	-	946 32
Fluvanna,	1019 77	445 05	1464 82	"	609 05	-	855 77
Grayson,	1191 50	796 05	1987 55	1837 and 1838,	721 84	-	1265 71
Greenbrier,	1756 86	798 38	2555 24	1838,	659 52	-	1895 72
Greensville,	163 99	239 05	403 04	1836 to 1837, inclusive,	97 09	-	305 95
Giles,	776 60	333 02	1109 62	1838,	546 57	-	563 05
Gloucester,	749 36	-	749 36	"	402 65	-	346 71
Goochland,	612 51	-	612 51	1837 and 1838,	258 03	-	354 48
Halifax,	1544 08	1361 18	2905 26	1838,	1394 25	-	1511 01
Hampshire,	1615 71	1032 37	2648 08	"	859 18	300 00	1488 90
Hanover,	724 78	683 55	1408 33	"	580 37	260 58	567 38
Hardy,	745 49	569 93	1315 42	1837 and 1838,	515 83	-	799 59
Harrison,	2467 68	1463 50	3931 18	1838,	2191 54	-	1739 64
Henry,	905 98	427 64	1333 62	"	404 06	-	929 56
Henrico,	791 45	649 45	1440 90	1837 and 1838,	586 01	-	854 89
Isle of Wight,	900 77	529 36	1430 13	1838,	505 92	-	924 21
James City,	167 76	116 41	284 17	1832 to 1838, inclusive,	168 18	-	115 99
Jackson,	266 26	272 55	538 81	1838,	178 41	-	360 40
Jefferson,	1041 80	888 94	1930 74	1836 and 1838,	926 37	-	1004 37
Kanawha,	1194 41	720 11	1914 52	1837 and 1838,	682 81	-	1231 71

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King & Queen,	646 96	496 79	1143 75	1838,	639 61	-	504 14
King George,	503 71	535 95	1039 66	1837 and 1838,	248 53	-	791 13
King William,	580 59	332 50	913 09	1838,	334 46	-	578 63
Lancaster,	221 63	208 25	429 88	"	221 67	-	208 21
Lee,	1116 98	-	1116 98	"	440 22	-	676 76
Lewis,	975 33	564 45	1539 78	"	561 19	-	978 59
Logan,	487 49	301 37	788 86	"	187 57	-	601 29
Loudoun,	2380 60	1633 19	4013 79	"	1681 82	-	2331 97
Louisa,	1007 26	681 64	1688 90	"	758 85	-	930 05
Lunenburg,	856 22	-	856 22	1836-37 and 1838,	307 04	-	549 18
Marshall,	881 59	557 92	1439 51	1838,	733 59	-	705 92
Madison,	659 88	476 77	1136 65	"	316 54	-	820 11
Mason,	899 96	446 11	1346 07	"	489 20	-	856 87
Mathews,	588 72	-	588 72	"	450 68	-	138 04
Mecklenburg,	1673 64	-	1673 64	"	594 83	-	1078 81
Mercer,	-	256 12	256 12	-	-	-	256 12
Middlesex,	485 24	568 51	1053 75	1838,	436 40	-	617 35
Monongalia,	2108 47	1430 62	3539 09	"	1429 10	-	2109 99
Monroe,	1360 28	781 81	2142 09	1837 and 1838,	592 81	-	1549 28
Montgomery,	632 79	592 70	1225 49	1838,	621 24	-	604 25
Morgan,	428 48	-	428 48	1837 and 1838,	204 63	-	223 85
Nansemond,	437 79	542 00	979 79	"	300 26	-	679 53
Nelson,	826 60	576 49	1403 09	"	558 22	-	844 87
New Kent,	413 04	272 54	685 58	"	322 19	-	363 39
Nicholas,	345 02	212 94	557 96	1838,	216 05	-	341 91
Norfolk county,	1558 41	862 47	2420 88	1837 and 1838,	1051 14	166 02	1203 72
Norfolk borough,	587 90	540 63	1128 53	1838,	327 55	208 14	592 84
Northampton,	673 75	-	673 75	"	380 80	-	292 95
Northumberland,	277 41	424 60	702 01	"	267 33	163 47	271 21
Nottoway,	654 36	312 47	966 83	"	356 74	-	610 09
Orange,	906 47	733 50	1641 97	"	552 41	-	1089 56
Ohio,	1245 24	1025 94	2271 18	"	1090 83	-	1180 35
Patrick,	1124 95	610 98	1735 93	"	769 08	-	966 85
Page,	883 30	501 96	1385 26	"	742 99	-	642 27
Pendleton,	1452 30	606 19	2058 49	1837 and 1838,	644 70	-	1413 79
Preston,	1091 32	-	1091 32	1838,	470 95	-	620 37
Petersburg,	676 43	-	676 43	"	669 32	-	7 11
Prince Edward,	1216 88	572 50	1789 38	1837 and 1838,	647 77	-	1141 61
Prince George,	559 30	341 16	900 46	1838,	264 99	-	635 47
Prince William,	720 58	719 42	1440 00	"	698 32	-	741 68
Princess Anne,	750 03	-	750 03	"	167 37	-	582 66
Pittsylvania,	2632 46	1548 56	4181 02	"	1597 85	-	2583 17
Powhatan,	536 56	-	536 56	"	176 10	-	360 46
Pocahontas,	319 75	255 45	575 20	"	164 56	-	410 64
Randolph,	653 96	487 53	1141 49	"	601 51	-	539 98
Rappahannock,	1267 24	673 49	1940 73	1837 and 1838,	730 64	-	1210 09
Richmond county,	429 70	668 71	1098 41	"	433 50	-	664 91
Richmond city,	621 40	1679 35	2300 75	"	1000 40	674 09	626 26
Rockbridge,	1822 86	1102 87	2925 73	"	841 52	-	2084 21
Rockingham,	3485 97	1801 48	5287 45	1838,	2127 05	-	3160 40
Roanoke,	-	310 84	310 84	-	-	-	310 84
Russell,	1142 87	632 52	1775 39	1837 and 1838,	640 48	-	1134 91
Stafford,	857 49	496 70	1354 19	"	626 22	-	727 97
Shenandoah,	1746 79	718 98	2465 77	1838,	1239 19	-	1226 58
Scott,	1145 65	566 78	1712 43	"	582 70	-	1129 73
Smyth,	979 82	505 97	1485 79	1837 and 1838,	731 45	-	754 34
Southampton,	1148 23	730 68	1878 91	1838,	488 95	-	1389 96
Spottsylvania,	1070 88	672 79	1743 67	"	704 96	-	1038 71
Surry,	677 34	301 93	979 27	1837 and 1838,	421 18	-	558 09
Sussex,	671 11	457 77	1128 88	1838,	314 96	-	813 92
Tazewell,	754 00	443 36	1197 36	"	544 06	-	653 30
Tyler,	724 22	443 65	1167 87	"	641 88	-	525 99
Washington,	2004 08	1030 15	3034 23	1837 and 1838,	1254 02	-	1780 21
Warwick,	42 98	-	42 98	-	-	-	42 98
Warren,	1118 41	446 09	1564 50	1838,	454 88	-	1109 62
Westmoreland,	16 34	390 99	407 33	"	204 73	150 53	52 07
Williamsburg,	119 77	-	119 77	"	39 30	-	80 47
Wythe,	1755 68	-	1755 68	"	620 82	-	1134 86
Wood,	1057 57	521 13	1578 70	"	561 73	-	1016 97
York,	293 16	-	293 16	"	192 97	-	100 19
	116345 97	70176 81	186522 78		73274 23	4026 94	109221 61
	1	2	3		4	5	6

Note.—Of the sum stated in the 2d column, viz: - - - 70,176 81

There was received by the school commissioners of Middlesex, from county funds, - - - 164 00

Ditto, Prince William, for interest on Jones's donation, - 179 10

343 10

Leaving the amount of quotas paid from the treasury, as per statement F, $69,833 71

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RECAPITULATION.

Balance in the hands of school treasurers 30th September, 1838, as per column 1, - -		116,345 97
Add funds received from other sources, as per note annexed to this statement, - -		343 10
		116,689 07
Deduct expenditures in the year ending that day, per accounts since received, as per column 4,	73,274 23	
And appropriations of surplus quotas to academies, as per column 5,	4,026 94	
		77,301 17
Amount in hands of school treasurers on account of 1838, - -		39,387 90
Add payments of school quotas in the year ending 30th September, 1839, to be accounted for in the annual reports for that year, returnable after that date, as per note to the foregoing abstract, - - - - - - - - -		69,833 71
Total amount appearing against school treasurers 30th September, 1839, as per column 6,		$109,221 61

The payments in the 5th column consist of the surplus quotas of sundry counties applied as below stated to

ACADEMIES.

Richmond academy, Richmond city, - - -	674 09	Staunton academy, Augusta, - - -	500 00
Washington Henry academy, Hanover, - - -	260 58	Martinsburg academy, Berkeley, - - -	100 00
Norfolk academy, Norfolk borough, - - -	208 14	Fox Hill academy, Elizabeth City, - - -	109 71
Northumberland academy, Northumberland, - -	163 47	Washington academy, Westmoreland, - - -	150 52
Botetourt seminary, Botetourt, - - - -	905 85	Springfield academy, Hampshire, - - -	100 00
Brooke academy, Brooke, - - - -	274 85	Romney academy, do. - - -	200 00
St. Bride's academy, Norfolk county, - - -	166 02		
Marshall academy, Cabell, - - - -	213 70		$4,026 94

E. E.

J. BROWN, Jr.
Second Auditor

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I.

ABSTRACT

OF SCHOOL COMMISSIONERS' REPORTS FOR THE YEAR 1838,

Received between 30th September, 1838, and 1st October, 1839.

COUNTIES AND TOWNS.	No. of common schools in each county.	No. of poor children in each county.	No. of poor children sent to school.	Aggregate No. of days attendance of poor children at school.	Rate of tuition per diem.	Expended in 1838 for tuition and all other expenses.
Albemarle,	28	550	192	14841	4 cents.	657 54
Amelia,	8	150	61	7291	4 "	329 76
Amherst,	9	450	261	15611	4 "	670 33
Alleghany,	18	160	101	6503	4 "	290 39
Accomack,	26	600	268	15908	3½ "	634 76
Augusta,	88	700	445	27886	4 "	1164 54
Bath,	19	120	101	6258	4 "	256 94
Braxton,	15	171	128	5439	3 "	179 02
Bedford,	20	450	400	29734	4 "	1375 97
Berkeley,	28	600	407	23747	3½ "	902 88
Botetourt,	41	600	428	31678	4 "	1365 40
Brooke,	39	400	304	17207	2½ "	461 49
Brunswick,	21	250	171	14714	4 "	650 12
Buckingham,	40	700	170	11106	4 "	488 73
Cabell,	31	400	367	16731	4 "	702 57
Campbell,	22	350	171	14090	4 "	610 03
Caroline,	13	400	100	11061	4 "	493 34
Charles City,	4	100	68	4343	4 "	200 03
Charlotte,	19	400	187	13187	4 "	568 36
Clarke,	13	55	44	2651	4 "	117 08
Chesterfield,	32	500	278	23775	4 "	1006 81
Culpeper,	22	200	150	10872	4 "	485 95
Cumberland,	9	75	48	4776	4 "	216 16
Dinwiddie,	11	150	103	11849	4 "	543 00
Essex,	18	280	141	11450	4 "	497 69
Elizabeth City,	5	120	97	5622	4 "	253 05
Fairfax,	21	500	234	14615	4 "	630 67
Fauquier,	44	800	462	29045	4 "	1230 92
Franklin,	43	750	503	25816	4 "	977 84
Fayette,	17	450	105	5637	4 "	239 15
Frederick,	75	650	369	20648	4 "	817 07
Floyd,	21	450	258	10120	3 "	344 06
Fluvanna,	25	228	204	13978	4 "	609 05
Grayson,	33	500	395	18084	3½ "	716 76
Greenbrier,	45	500	142	15296	4 "	659 52
Greensville, (no report for 1838.)						
Giles,	28	300	215	13005	3½ "	546 57
Gloucester,	14	-	114	8781	4 "	402 65
Goochland,	20	90	58	5579	4 "	243 07
Halifax,	41	1350	419	32334	4 "	1394 25
Hampshire,	47	900	553	20510	4 "	859 18
Hanover,	50	350	176	13553	4 "	580 37
Hardy,	28	500	204	11693	4 "	512 83
Harrison,	78	1000	900	66191	3 "	2191 54
Henry,	20	400	324	20794	4 "	904 06
Henrico,	19	500	144	13523	4 "	583 14
Isle of Wight,	22	424	224	11625	4 "	505 92
James City,	8	80	29	2294	4 "	119 32
Jackson,	10	125	92	3883	4 "	178 41
Jefferson,	30	300	230	22683	4 "	925 37
Kanawha,	27	650	297	15418	4 "	659 73
King & Queen,	25	275	202	14685	4 "	639 61
King George,	12	100	59	5125	4 "	225 21
King William,	20	280	100	7385	4 "	334 46
Lancaster,	11	120	46	5042	4 "	221 27
Lee,	28	500	129	9639	4 "	440 32
Lewis,	55	650	475	19417	2½ "	561 31
Logan,	11	250	89	3876	4 "	187 57
Loudoun,	70	850	667	40257	4 "	1706 15
Louisa,	30	300	201	17620	4 "	758 65
Lunenburg,	16	400	60	5786	4 "	257 84
Marshall,	33	400	250	22729	3 "	733 59

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Madison,	19	150	117	7290	4 cents.	316 54
Mason,	29	500	270	11064	4 "	489 20
Mathews,	12	250	114	10190	4 "	450 68
Mecklenburg,	60	250	138	13428	4 "	594 83
Mercer, (new county.)						
Middlesex,	11	175	107	9354	4 "	436 40
Monongalia,	61	1000	604	44466	3 "	1429 00
Monroe,	35	400	217	13618	3½ "	504 74
Montgomery,	31	300	243	13977	4 "	621 24
Morgan,	11	200	91	4525	3½ "	194 63
Nansemond,	11	-	84	6288	4 "	272 47
Nelson,	20	275	135	11070	4 "	502 10
New Kent,	11	200	73	6824	4 "	308 43
Nicholas,	13	250	103	4695	4 "	216 06
Norfolk county,	36	300	277	23511	4 "	992 98
Nottoway,	15	100	66	7989	4 "	356 74
Northampton,	6	150	66	6482	4 "	298 93
Northumberland,	12	185	84	5697	4 "	267 33
Orange,	41	370	171	11262	4 "	552 51
Ohio,	38	900	625	34272	3 "	1090 83
Patrick,	23	400	378	17079	4 "	769 08
Page,	25	700	297	16859	4 "	742 98
Pendleton,	36	452	294	14730	4 "	626 62
Preston,	37	450	256	14474	3 "	470 95
Prince Edward,	20	500	147	13449	4 "	620 13
Prince George,	8	100	63	5738	4 "	264 99
Prince William,	23	450	267	16075	4 "	696 46
Princess Anne,	10	200	56	3666	4 "	167 37
Pittsylvania,	47	1500	572	37479	4 "	1597 86
Powhatan,	15	100	53	3835	4 "	176 10
Pocahontas,	13	113	61	3804	3½ "	164 56
Randolph,	35	600	364	18572	3 "	601 51
Rappahannock,	19	300	241	16587	4 "	727 44
Richmond county,	8	120	45	4080	4 "	189 70
Rockbridge,	44	750	372	19045	4 "	836 88
Rockingham,	84	1100	831	49167	4 "	2127 05
Roanoke, (new county.)						
Russell,	23	400	334	19233	3 "	633 34
Stafford,	18	500	256	16180	3 "	538 17
Shenandoah,	50	600	460	33282	3½ "	1239 19
Scott,	38	550	300	13870	4 "	582 70
Smyth,	20	500	238	14018	3½ "	615 70
Southampton,	24	300	224	10908	4 "	488 95
Spottsylvania,	30	275	143	17959	4 "	704 96
Surry,	5	350	36	3440	4 "	152 90
Sussex,	11	200	69	7032	4 "	314 96
Tazewell,	24	500	318	12930	4 "	544 06
Tyler,	30	450	319	19898	3 "	641 88
Washington, (see statement K.)	-	550				
Warwick, (no returns for 1838.)						
Warren,	19	350	211	10296	4 "	454 88
Westmoreland, (no returns for 1838.)						
Williamsburg,	4	26	5	745	4 "	29 80
Wythe,	36	400	261	14451	3½ "	620 82
Wood,	37	500	334	14917	3½ "	561 73
York,	7	275	60	3679	4 "	162 01
	2981	45369	25590	1640790		68992 14
Norfolk borough,	27	200	104	-	$ 3 00 per ann.	327 23 } Lancas. schools.
Petersburg,	20	200	64	-	10 00 "	669 32 } Lancas. schools.
Richmond city,	40	300	207	-	2 29 "	500 20 } Lancas. schools.
	3068	46069	25965	1640790	-	68488 89
	1	2	3			4

RECAPITULATION.

Number of schools in 115 counties and towns, as per column 1,		3,068
Number of poor children in 114 ditto, as per column 2,		46,069
Number of poor children sent to school in 115 ditto, as per column 3,	25,965	
Number sent to district schools, as per statement K,	407	
Total number of poor children educated,		26,372
Amount expended for tuition at common schools, and all other expenses, for books, compensation to officers, &c., as per column 4,	68,488 89	
Ditto, at district free schools, as per statement K,	1,417 27	
Total expenditure for tuition, &c.,		69,906 16
Average number of days actual attendance of each poor child at common schools,		64 days.
Average amount paid for each poor child, including tuition and all other expenses, at common and Lancastrian schools,		$ 2 64
Ditto, at district free schools, as per statement K,		3 48
Average rate paid for each day's actual attendance at common schools, including books, &c., and officers' compensation,		4 cents.

E. E.

J. BROWN, Jr.
Second Auditor.

30th September, 1839.

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K.

ABSTRACT

OF SCHOOL COMMISSIONERS' REPORTS

SHEWING THE

OPERATIONS OF THE DISTRICT FREE SCHOOLS

IN THE

COUNTIES IN WHICH THEY HAVE BEEN ESTABLISHED

During the year ending 30th September, 1838.

COUNTIES.	No. of districts in each county.	No. of districts in which free schools have been established.	Annual compensation allowed teachers by inhabitants.	Annual compensation allowed teachers by school commissioners.	Actual amount paid by school commissioners to teachers, including books, &c. for poor children.	No. of poor children at schools.	Whole No. of children at schools.
Campbell, -	0	2	250 00	145 00	72 00	38	96
Smyth, -	0	2	320 00	140 00	110 00	9	68
Washington, -	54	31	4262 00	2045 00	1235 27	360	1339
			4832 00	2330 00	1417 27	407	1503

The *actual* payments made by school commissioners to teachers, being $ 1417 27 for the education of 407 children, the *actual* cost of *each* poor child, *for the portions of the year* for which such payments were made, will average $ 3 48.

E. E.

J. BROWN, Jr.
Second Auditor.

30th September, 1839.

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EXTRACTS

FROM

THE REPORTS OF SCHOOL COMMISSIONERS

RELATING TO THE

PROGRESS AND STATE

OF THE

PRIMARY SCHOOLS

UNDER THEIR DIRECTION IN THE YEAR 1838.

ALBEMARLE.—The school commissioners state that their present report is not entirely complete, owing to some of the teachers not rendering their accounts, their schools continuing to the end of the year; however, they presume that there are but few of that description—perhaps the amount of such would not exceed one hundred dollars. They consider the parents of those children who are not able to pay for the schooling of their children after supplying them with the necessaries of life, to be indigent—and they consider any age between 8 and 21 entitled to the benefit of the fund, and make no difference between male and female. The present fund seems to be amply sufficient under the present plan and pay, but they find much difficulty in getting the children in good schools on account of the small allowance made by law. In many neighbourhoods the poor children are deprived entirely of the benefit of the fund. Where the neighbourhoods are sufficiently able to employ a teacher, the poor are excluded on account of the low price allowed; the commissioners would therefore recommend a change in that part of the law so as to give the commissioner a discretion according to circumstances, that those poor families who are deprived on account of their localities in business may share in the provision made for them.

The teachers generally patronized by the commissioners are first employed by the citizens of the neighbourhoods, and not examined by the commissioners. Their first business is to enquire for admission in school. They have generally found the qualifications of the teachers sufficient but admittance is frequently refused the poor children on account of the terms, &c.

Some of the schools are in operation during the season and some throughout the year.

AMHERST.—The school commissioners report that the average number of days which each poor child was at school is small, which is owing to the great difficulty of getting teachers to continue their schools through the whole year. The accounts of the schoolmasters are not rendered quarterly, but most commonly not until the meeting of the board at October or November court.

There is no college within this county; but there is one incorporated academy at New Glasgow; the building is a two story brick structure 40 feet square, and is calculated to accommodate 60 students; it was built by private munificence, and is supported by the fees of tuition. This academy is now in operation under the superintendence of a classical teacher, and at this time is attended by about 20 students.

This institution has not been endowed by the present or former government, nor has it any income except what arises from the fees of tuition.

ALLEGHANY.—A majority of the schools are in operation 3 months—some few 4, 5 and 6 months.

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AMELIA.—The school commissioners state that the amount of claims due and unpaid is about forty dollars, which have not been paid on account of informality in the accounts.

They consider such children as coming within the meaning of the term "indigent," who, if without parents, have not sufficient property to support them, and pay for their education; or who, if they have parents, their parents are not in a condition to support them comfortably, and yet spare enough to pay for their education. They send such children as can be procured (without regard to sex) from seven or eight to sixteen or seventeen years old. The present quotas are sufficient for the purposes of education in this county under the present plan. The children are reported as making as good improvement as other children in the same schools. The schools are seldom visited by the commissioners, nor do they examine the teachers.

They feel it again their duty to call the public attention to the very inadequate compensation allowed by law to those teachers, who undertake to educate the poor. In some parts of the state it may be enough; but in their section it is entirely insufficient. They would here refer to their former reports.

The schools are in operation from 8 to 10 months.

ACCOMACK.—A part of the schools are in operation the whole year—some 3, 6 and 9 months.

AUGUSTA.—The schools are in operation partially throughout the year.

BRAXTON.—The school commissioners consider those children as coming within the meaning of the term indigent, whose parents are unable conveniently to educate them, and orphans without sufficient estate. The board have resolved to pay for boys from 10 to 18 years old, and girls from 8 to 16 years old.

BATH.—No remarks.

BEDFORD.—The management and proceedings of the school commissioners have been generally in accordance with that of the previous year. The teachers are quite attentive, and the board think the children are generally receiving much benefit.

BERKELEY.—No remarks.

BOTETOURT.—The school commissioners state that they have appropriated the surplus of the Literary fund for 1838, and in future permanently to the use of the Botetourt seminary in Fincastle. A majority of the schools continued in operation during the whole year. In some districts a few schools continued for 3 or 6 months when after an interregnum of a few weeks another teacher is procured and the school recommences.

BROOKE.—The commissioners are not aware that it is necessary specially to report any thing at this time, but beg leave to refer to their former reports as shewing the principles which still govern their proceedings.

BRUNSWICK.—The schools are generally in operation throughout the year.

BUCKINGHAM.—The school commissioners report that all children of parents who are unable to educate them, whether male or female, are considered by them indigent. No distinction is made between the sexes, both being considered equally entitled to the charity of the commonwealth. Teachers have not generally been examined as to their qualifications and moral character. The trouble of keeping a diary, together with the price to which they are limited by law for their tuition generally excludes indigent children from the best schools, and obliges the school commissioners not to be very particular in their choice of teachers. *They believe a vast amount of good has been done in this county under the system which the law and the limited sum annually appropriated has compelled them to pursue*, but suggest as their opinion that much more would be done in proportion to the expenditure, if the legislature would set apart a sufficiency of Virginia's portion of the surplus revenue received from the general government to enable the commissioners to adopt the district system, and $3000, they suppose, would enable them to put and keep that system in successful operation.

The school commissioners believe their fellow-citizens, the clerks of the county courts, are as patriotic and benevolent as any other portion of our population, and are sure they would acquiesce most cheerfully in such a change of the law in relation to their compensation for services required of them relative to school commissioners and their officers as would place them upon an equality with the commissioners. They believe a sum between $500 and $1000 a year would be saved to the fund for the education of indigent children, if it was provided by law that the sheriffs or their deputies of the several counties of this commonwealth upon giving bond and security and agreeing to receive and disburse the money without other compensation than what may be derived from the use of the fund, should be the treasurer of the school commissioners, and if the sheriff or sheriffs of any one or more of the counties should refuse to act, then the commissioners to appoint their treasurer as at present, &c. &c.

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CABELL.—The school commissioners state that they consider all those children to come within the meaning of the term indigent, whose parents are unable to educate them, or who are orphans having no estate. No preference is given to boys or girls, as they are equally benefited by the fund. They think about seven hundred dollars would educate the poor children in this county, provided schools could be had in all the neighbourhoods.

The commissioners have not been in the habit of visiting the schools in their districts, but they can say that some of the children are making considerable progress in their studies. Though they have not examined their teachers as to their qualifications and moral character, yet they can say from personal knowledge that some of their teachers are well qualified to teach, and generally they have no knowledge of any immoral conduct on their part.

CAMPBELL.—The school commissioners report that according to the authority vested in them by the three first sections of the act of 25th February, 1829, entitled, "an act to amend the several acts concerning the Literary fund," they have caused the county to be laid off into districts. That two school houses have been built in two of these districts as required by law, towards which object the school commissioners appropriated a part of the school quota, deeds in due form vesting the said school houses and the ground on which they are erected in the president and directors of the Literary fund for the use of said districts respectively, having been executed and delivered previous to the payment of the said appropriations. That teachers for the said school houses and trustees to superintend them were appointed in the manner prescribed by law, and the schools organized and put into operation and opened for the tuition of all the free white children of the district they are located in.

The commissioners consider the term "indigent children" to mean all those children whose parents are unable to support them and to learn them how to read and write. They prefer entering boys to girls, but generally make but little difference, and prefer them to be between ten and twelve years of age. It is quite probable that a sum equal to double the present quota of this county, viz: $ 1400 or $ 1500, on the district free school system, might be sufficient to educate all the indigent children in the county, and at the same time go to the benefit of those who are not indigent. They recommend the district free school system decidedly wherever the population is sufficiently dense to establish them. The commissioners visit the schools in their districts and satisfy themselves of the qualifications and moral characters of the teachers, &c.

CLARKE.—Their funds being ample for all, the school commissioners do not discriminate between the sexes, nor are they governed by any rule as to age. Poor orphan children, those of parents unable to work from age or disease, and children of large families, whose parents by industry and economy are barely able to furnish them food and raiment, they consider as coming within the meaning of the term indigent, used in the laws.

The school commissioners for this county have within the last two or three months only received copies of the abstract of the laws, and have not been fully aware of all the duties growing out of the trust reposed in them, they therefore candidly acknowledge that their personal attendance at the schools has not been so frequent as the great importance of the trust would seem to require; the teachers have not been regularly examined, but they believe them fully competent to the discharge of the duties; their moral characters are unexceptionable, and the improvement of the children has been as considerable as could reasonably have been expected.

A majority of the schools continue in operation during the whole year.

CAROLINE.—The school commissioners would suggest from their experience, that the price now paid and allowed by law for the tuition of poor children is not sufficient to procure good and competent teachers, and they recommend an alteration in the law so as to allow six and a quarter cents instead of four which is now allowed per day to teachers for each day's tuition to each scholar. They further report, that the reason so large a balance is left unexpended in their treasurer's hands is that competent teachers cannot be employed, in consequence of the low price paid for tuition.

It is believed all the schools continue in operation the whole year.

CHARLES CITY.—The schools are in operation during the school season.

CHARLOTTE.—The school commissioners beg leave to refer to their last year's report, &c.

The schools are in operation about ten months in the year.

CHESTERFIELD.—The school commissioners state that the claims for tuition are all *presented and paid.* No other remarks.

The schools continue in operation the scholastic year of 10 months.

CULPEPER.—No remarks.

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CUMBERLAND.—The schools were in operation at different periods during the year.

DINWIDDIE.—Most of the schools are in operation during the year.

ESSEX.—The school commissioners refer to their report of 1837, as containing substantially their present opinions.

ELIZABETH CITY.—The school commissioners consider children of poor parents (who are not able to pay for their schooling), children without parents, whose funds are insufficient to support and educate them, and children without parents, whose funds are sufficient to support them but not to educate them, as coming within the meaning of the term "indigent," used in the laws.

They have not as yet been able to get district schools in operation, but hope to do so shortly, when they shall probably require about $350 per annum. They believe the children sent to school this year have improved commensurately with their abilities. They believe the teachers are capable and of *good* moral character. They know of no alterations or modifications of the existing laws that will place the education of indigent children upon a better basis than they now stand upon. The schools are in operation during the whole year.

FAIRFAX.—The school commissioners have some delicacy in urging the propriety of a change in the time of their annual meetings, having frequently made similar remarks heretofore. They however hope now that the time for the meeting of the legislature is changed, that their request will be regarded, as the teachers generally make their engagements for the year ending the 31st December. The schools are generally in operation during the whole year.

FAUQUIER.—The school commissioners further report that they still entertain the sentiments uniformly expressed by them heretofore, that the accounts of the teachers should, in their opinion, be more promptly settled, their trouble diminished and their convenience promoted, by a correspondence of the scholastic and the common year.

FRANKLIN.—The school commissioners further report, that they consider the operations of the law should be confined to those children whose parents are unable from their skill or industry to give them a plain English education. They have had no regard to sex, but have confined themselves to the education of those between the age of eight and eighteen years. The commissioners sit semi-annually, examine all accounts presented to the board, make allowances according to circumstances, having due regard to the number of poor children at those schools, qualification of teachers, their moral character, &c., allowing some four and others only three cents per day. They consequently draw no orders on their treasurer, hence his account is not made out strictly in accordance with the form prescribed.

Having nearly double the annual appropriation to this county on hand at the commencement of the last fiscal year, they have thereby been enabled to school a much larger number of children than usual. When the children are entered to schools, the commissioners endeavour invariably to impress the importance of attending regularly on their parents, and they generally promise that this shall be done; but when the teachers' accounts are presented, we find from examination that they are frequently very remiss in this particular. The children, however, progress as well as reasonably could be expected. Doubtless it would require a much larger sum than is due this county from the Literary fund, to educate all the poor children of the county. All the accounts that are due have been presented to the board and paid.

FAYETTE.—The school commissioners present are not able to say at this time what amount is due and not paid, but suppose it will not exceed $10. They consider the term *indigent*, used in the law, to apply to all children whose parents are unable to keep them comfortable and educate them, and all orphans whose estates are insufficient for the aforesaid purposes, and that they enter and send all poor children, without regard to sex, from 7 to 17 years of age. The vigilance of some of the commissioners hath enabled them to get a much larger number of children taught the present year than ever has been before in the county during the same time; and the reason that the whole of the money is not expended, is a circumstance beyond the control of the commissioners. In some of the districts, although large, the population is so scattered that it is with difficulty that schools can be obtained, and in some parts it is impossible.

FREDERICK.—No attempt has been made by the board of school commissioners this year to establish schools on the district system, the former attempt having proved entirely unavailing. But your commissioners take great pleasure in remarking the evident improvement of the children who have availed themselves of the benefit of the fund, and are more than ever impressed with the conviction of the great advantage it has been and will be to the poorer classes of the community. Many who were unable to educate their children them-

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selves, and who considered it derogatory to have them educated at the public expense (as they considered it) have abandoned their scruples. All children between the ages of 8 and 16 whose parents are unable to educate them are considered *indigent* children. No preference is given to either sex. There are some accounts yet outstanding, but the exact amount they have not the means of ascertaining.

Most of the schools are in operation throughout the year.

FLOYD.—The school commissioners have but few remarks not embraced in their former report, to which they refer. The children have been schooled without regard to sex, between the ages of eight and eighteen years, and have progressed as well as is common in county schools. Upon mature deliberation, the commissioners have come to the conclusion that the district system would answer a valuable purpose in some sections of the county. Accordingly they have caused the county to be surveyed and laid off into 28 districts. The population of some of them is sufficiently dense to have school houses erected therein, and permanent schools established; and, with the co-operation of the opulent citizens of said districts, answer a much more valuable purpose to all classes. In other districts the population is so sparse that it is almost impossible ever to get schools within them upon any plan whatever; but believing as they do that the district plan in some of them will be of greater benefit than the old system, they have concluded to make an effort, and if it succeeds well, the plan will be continued, and if not, they can drop it and go back to the old system (retaining a right to the school houses and the land set apart for their erection.)

A majority of the schools continue in operation during the whole year. In some districts the schools continue 3 or 6 months.

FLUVANNA.—The school commissioners cannot state with certainty what amount of claims are due and unpaid, they however believe the amount to be not far short of $50. They are pleased to have it in their power to say that they have been enabled to secure a more general attendance of the poor at the schools, and they are happy in believing that the improvement of the children under their care is fully equal to that of other children at the same schools.

GRAYSON.—Those children whose parents are too poor to educate them are considered by the school commissioners as coming within the meaning of the term *indigent*. No preference is given to either sex, and they have determined to send to school those of the indigent children who are between the ages of 5 and 16—and in cases of boys who from accident or disease have been rendered incapable of labour, and who seem desirous to receive a good English education, the commissioners deem it their duty to send such to school until they are 20 years of age, if it shall be necessary to do so to qualify them for teachers.

The present appropriation from the Literary fund, if properly managed, is deemed sufficient to educate all the poor children in the county. The improvement made by the poor children has been as great as that of other children educated at the same schools, and often greater. There is no school in this county which can be properly called an academy or college.

GREENBRIER.—The school commissioners refer to their last annual report for their opinions respecting the poor school system in this county, &c.

The schools are generally in operation throughout the year.

GREENESVILLE.—The school commissioners, for their understanding of the term *indigent*, respectfully refer to their previous reports. The great difficulties the board has to contend with, are the scarcity of schools and the unwillingness of schoolmasters to take poor children in consequence of the small compensation. They believe, were it not for these difficulties, the money now due the county would be sufficient to teach all its poor children at least to read and write. And they do not believe that they will ever be able to induce teachers of respectability generally to take the poor children, until there is a considerable increase in the price of tuition. Under the influence of this conviction, they would respectfully suggest that the law be amended in this particular.

GILES.—The school commissioners have nothing to add to their report of last year, except that they have adopted a resolution requiring the teachers hereafter to be examined by competent persons as to their qualifications to teach the common branches, and have appointed individuals in each district for that purpose.

GLOUCESTER.—The school commissioners state, that never having had a meeting of all the members of their board, they cannot ascertain what number of poor children there are in the county, but they are of opinion there are enough to consume the whole of the quota to which the county is entitled; but the children cannot all be procured to go to school—some of them being far removed from the schools, and in other cases, the parents will not suffer them to go, they being necessary to assist them in their domestic avocations. The district free

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school system has not been adopted in this county—no outstanding claims are known to exist. The term *indigent* is meant to designate, according to their understanding, the children of those whom the commissioners know to be incapable of educating them, or orphans without property or income. No regard has been paid to sex as they have never been able to find children to consume the annual quota.

The schools are in operation with one or two exceptions during the whole year.

GOOCHLAND.—The school commissioners refer to their former reports to shew the rule by which they are governed in selecting the children to be educated—and to their last report, for the reasons which render it impracticable for them to carry out the beneficent designs of the legislature in the appropriation of the funds assigned to this county.

As the commissioners have been unable to appropriate the funds assigned to them, and the amount in hand exceeds the quota they would be entitled to for the next year, they are not at liberty to draw for it; but they would like to be informed whether at a future day, should the county determine to establish an independent school or schools upon the district plan, they will not then be entitled to draw for all arrearages.

HALIFAX.—The school commissioners report that all the accounts due for tuition are paid as there is a full meeting of the board; that they have by authority of an act of the general assembly, passed 6th April, 1838, revoked the order of their last board appropriating the surplus revenue of the Literary fund to the Halifax academy, and ordered it to be applied to the use of the primary schools.

They respectfully refer the superintendent to their former reports as containing substantially their present opinions respecting the Literary fund.

A majority of the schools are in operation the whole year.

HAMPSHIRE.—The school commissioners have considered the children of such persons as are unable to send them to school as coming within the meaning of the term *indigent;* of whom those sent to school are between the ages of 7 and 17 years, and no preference is given to boys or girls. They cannot say what sum will be sufficient for the education of all such children in the county. From the difficulty of getting teachers, the commissioners are compelled in most instances to take any that may offer; there is an improvement in the children sent to school.

The school commissioners again call the attention of the legislature to the great inconvenience of holding the annual meetings on the first day of the court, and would suggest the second Friday in November as a more suitable time, &c.

HANOVER.—The schools are in operation the whole year.

HARDY.—The school commissioners refer to their former reports as containing all the information required of them. They will add however that the benefits derived from the fund are constantly felt, and increasing, and extending even to those who are not objects of the public charity, for in some neighbourhoods where a portion of the people requiring no direct aid, are yet not sufficiently affluent to maintain schools for the education of *their* children alone, the school fund becomes an auxiliary in establishing and maintaining schools, which would otherwise have no existence, and thus becomes the means of diffusing education directly amongst the poor, and indirectly amongst the children of those placed beyond the need of direct aid.

HARRISON.—The school commissioners refer to their former reports.

The schools are in operation during different parts of the year.

HENRY.—The schools are generally in operation the whole year.

HENRICO.—The school commissioners report that some of them visit the schools to which they sent the poor children; and that they generally sent to such teachers as they send their own children to. They consider all children whose parents or guardians out of their own funds, are not able to board, clothe and educate them, as coming under the term *indigent.*

They offer the aid of the fund to all such children who are of suitable age to go to school (say from 7 to 17 years) and they make no distinction in sex, as the funds in their hands are amply sufficient for both, under the present low rate of pay allowed by law. The commissioners are still of the opinion heretofore expressed "that a larger sum might be judiciously expended, if the compensation was raised to at least 6 cents per day;" for while the price of tuition in common schools is $15 per term of 10 months, it must be difficult for the commissioners to prevail on the teachers to admit poor children for a little more than half that price.

The schools continue in operation about 10 months.

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ISLE OF WIGHT.—The school commissioners state that in consequence of parents and guardians not feeling an interest in educating their children, a considerable balance is left in the hands of their treasurer, which might have been properly expended. They think too that more poor children might be sent to school if the price of tuition was extended to 5 cents per day, as some of the teachers will not teach for 4 cents per day. The commissioners suppose that there are at least two hundred children which are not sent to school that would come under the term indigent.

A majority of the schools continue in operation the whole year—some for 3 and 6 months.

JACKSON.—The school commissioners refer to their former reports.

The schools generally continue from 3 to 6 months in the year.

JAMES CITY.—The school commissioners are of opinion that the term *indigent* applies to such children only whose parents or guardians are unable to educate them, and that those between eight and twenty are fit subjects, and that they give no preference to boys or girls. They think that the sum of $150 would not be more than sufficient for the education of the poor children of the county.

They have regularly visited the schools and found that the children progress as well as usual—the teachers are of good moral character, and as well qualified as usual.

The schools are in operation during the summer season.

JEFFERSON.—The school commissioners know of no claim for tuition due or unpaid, and believe their report to be complete. They conceive the word *indigent*, used in the laws, as intended to apply to children without parents or property, and to those whose parents are unable to school them. They give no preference on account of sex. The commissioners partially visit the schools and consider the improvement of the poor children equal, in equal circumstances, to that of other children. They think twenty-four hundred dollars requisite to educate all the poor children in the county. They make no formal examination of the acquirements or moral standing of teachers, but employ none of whose fitness they are not otherwise satisfied.

They have nothing to suggest respecting the laws or regulations.

KANAWHA.—For the description of children they consider as coming within the term *indigent*, they respectfully refer to their last annual report. The children are between the ages of 7 and 15 years, both girls and boys, none of the school commissioners of this county having yet given preference to either sex. Again a large unexpended balance remains in the hands of the treasurer. The board attributes this to the hardness and scarcity of the times, many heads of families who in former years joyfully sent their children to school, being forced during the past season to keep them at home, in order that their labour might contribute towards the support of their respective families. This unexpended balance, with the quota for 1839, will in the opinion of the board be amply sufficient for that year. The majority of the schools used by the commissioners are good, and some excellent—though much complaint is made by the masters of schools of the inadequacy of their compensation.

The schools are visited by commissioners, and in many instances the progress made by the poor children is very good. The board cannot now suggest any alterations or modifications of the existing laws and regulations concerning the education of the poor.

KING WILLIAM.—The school commissioners state that the cause of so large a balance being left in the hands of their treasurer, is from the fact that some of the commissioners failed in getting teachers, and others did not spend the amount of their quotas, not being notified of their appointment until a portion of the year had expired. From the reports of the schoolmasters most of the children that attended school with any degree of regularity have progressed well. For further particulars we refer you to our report of last year.

All the schools are in operation during the year except one.

KING GEORGE.—The schools are in operation during the season.

KING & QUEEN.—No remarks.

LANCASTER.—The school commissioners consider those children as coming within the meaning of the term "indigent," whose parents are unable to educate them. No preference is given to either sex. The ages of the children schooled range from 8 to 15 years.

Most of the schools continue in operation from 8 to 10 months.

LEE.—The school commissioners have no remarks to append to this report variant from those made in the last annual reports, to which they beg leave to refer.

Two of the schools were for one year each, and the balance were for six, five and three months.

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LEWIS.—The school commissioners state that much inconvenience has frequently happened in consequence of the commissioners failing to attend the annual meeting of the board. They refer to their report of 1830 as containing as full a report as they are now enabled to make.

A majority of the schools continued in operation for 3 months only in the year.

LOGAN.—The school commissioners consider all such children proper objects of their notice as would not be educated by their parents on account of their poverty. They make no distinction as to sex, considering the means annually afforded sufficient to pay for the tuition of all such who reside in neighbourhoods which can support schools. There are many poor children residing in obscure parts of the county where schools cannot be made, and the commissioners are satisfied that but few if any regular schools could be made up but for the aid of this fund, which is now doing much good by improving the morals and intellect of many who would have grown up destitute of either.

The commissioners visit the schools of their respective districts whenever they consider it necessary, and are as careful as they can be to procure the best teachers and have much regard to their morals and qualifications. They can suggest no amendment to the law in this respect.

The schools were in operation at different periods during the year.

LOUDOUN.—The claims for tuition outstanding do not probably exceed $200. A majority of the schools continue the whole year, the balance for 3 and 6 months.

LOUISA.—"Although a greater number of boys than girls has been sent to school during the year, no preference has ever been shown to either sex in the selection of poor children to be sent to school so far as my information extends. The commissioners have frequently found a difficulty in getting the parents or guardians of a sufficient number of poor children to exhaust the quota of the county to agree to their regular attendance at school, without which agreement on the part of the parent or guardian, the commissioners consider it a useless expenditure of money to enter the children at school, and they frequently find it difficult to get the children in at the best schools at the price of tuition allowed by law. They generally select such schools as either they or their neighbours send their children to." [*Extract from a communication from the clerk of the school commissioners.*]

LUNENBURG.—The school commissioners consider such children *indigent*, as their parents are unable to educate so far as to read and write. There is no preference given to boys or girls, the present quota being deemed sufficient. The schools are but seldom visited by the commissioners, but the teachers are generally examined by their employers, both as to qualifications and morals. The commissioners have no alterations to suggest.

MASON.—The school commissioners consider the term *indigent* used in the law as embracing all orphan children whose income is insufficient to educate them, and the children of such parents as have not enough property to clothe, board and educate them.

The children sent to school by the commissioners are from 6 to 15 years of age. No preference is given to boys or girls, as the funds have been sufficient for the tuition of as many of both sexes as schools suitable and convenient can be had for.

So far as they were enabled by the funds under their control, the commissioners have endeavoured to select the best teachers that could be procured; though it too frequently occurs that teachers of desirable qualifications are difficult to procure in thinly settled parts of the county, and where the choice is dependent on the whim of the neighbourhood in which they are employed. The children under the charge of the commissioners have advanced as fast as the circumstances under which they are placed would justify them to expect.

The commissioners have reported a larger balance on hand than they could wish, owing to the want of schools in some parts of the county, and because they have confined themselves strictly to the indigent and deserving. They are at present unprepared to suggest any modification or alteration of the existing laws regulating the application of the school fund.

But few of the schools continued for more than 6 months, and the majority of them for only 3 months.

MARSHALL.—The school commissioners report that there is an increasing application for aid from this fund; and that there is much benefit derived from its application, as it enables many portions of the county to establish schools, where it could not be done, were it not for the aid of this fund. There are a great many schools in operation during this season of the year (October).

MADISON.—The quota of this county is more than can be used under the common school system. The school commissioners would refer to their remarks in their last annual report for the changes they deem expedient.

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They have heretofore expressed themselves as to the description of children they consider as coming within the term *indigent*.

They have authorized the sending of children to school from 8 to 15 years of age, making no difference between boys and girls. They have decided to extend that rule in future to poor children over 7 and under 18 years of age, making no difference as to sex. The schools are but seldom visited by the school commissioners, who are uninformed as to the progress of the children. The children are sent to the neighbourhood schools—the teachers are not examined as to their qualifications and moral character. The schools are chiefly in operation the whole year.

MATHEWS.—The school commissioners of this county report that in the last year there have been eleven schools in operation in this county, to which the children who have the benefit of the school fund have been sent. More children have enjoyed its advantages this year than have usually, and it is contemplated to extend its usefulness still further the ensuing year. But notwithstanding all the efforts of the commissioners to appropriate this fund in such a manner as will be most conducive to the intentions and objects contemplated by the appropriation, yet the commissioners are constrained to acknowledge that the benefits derived from the fund are very limited and imperfect, and in many instances expended uselessly and unprofitably. This state of things is produced by the difficulty of procuring competent teachers. None but the most inferior teachers will take charge of the poor children, in consequence of the low price allowed them and the trouble attending the keeping a regular account of their attendance. Consequently the commissioners are in many instances compelled to send the children to teachers who learn them little or nothing. They feel it their duty therefore to urge upon the next legislature the great importance of devising and adopting some more efficient plan by which more competent and attentive teachers can be procured.

MECKLENBURG.—The school commissioners state that they consider as *indigent* those whose parents are unable from their poverty, skill or industry, to give their children a common english education. The children have been schooled without regard to sex, between the ages of ten and eighteen years; and have progressed as common to country schools. The commissioners consider the amount on hand with the quota and surplus revenue will be sufficient to educate all the poor children that will be sent to school the ensuing year.

A majority of schools continue in operation the whole year.

MIDDLESEX.—The school commissioners know of no claim for tuition due and unpaid. They are in the habit of using the fund for educating the boys and girls, giving no preference to one over the other, and are governed by the circumstances of each case as to the age of the children sent. For several years they confined the benefits of the fund to children of ten years and upwards; but they were induced to change this rule, finding many poor children whose labour could not be dispensed with by their parents after that period, and who would consequently be altogether deprived of instruction if not afforded earlier. Many of the children entered by the commissioners have progressed well, but generally they are not very regular in their attendance and have therefore not derived that advantage from the fund which could be desired.

The commissioners again report a considerable balance in their treasurer's hands. This proceeds from the difficulty in many neighbourhoods of getting children into the schools, arising from the small compensation allowed by law. Very few competent teachers can be induced to take them at all, unless the parents are able to make the tuition fees equal to the prices paid for others, which is from 10 to 15 dollars for the elementary branches.

The commissioners have determined to extend the benefits of the fund to a higher class, assisting poor widows especially, to educate their children. They have not yet recovered the amount for which they have been suing, therefore have not been able to carry out the provisions of the last general assembly.

MONONGALIA.—No remarks.

MONROE.—The commissioners would also state that the funds under their charge appear at this time to be as much as they can judiciously expend on the present plan, but which circumstance arises in a great measure from the want of good schools to which the children can be sent—indeed, this is the great obstacle now which prevents much good from being accomplished. Qualified persons do not find it to their interest to become teachers. The commissioners would also state that they are not aware of any claims for tuition for the past year which have not been paid except to teachers whose schools have not expired. The commissioners have not made any appropriation of the surplus revenue distributed by the act of the 22d March, 1836, to the academy established in this county, but have devoted the same in the same manner as the fixed appropriation. The commissioners deem it unnecessary to make any further remarks, having heretofore frequently reported on the several subjects on which they are requested to report.

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MONTGOMERY.—The school commissioners report that they know of but three claims for tuition unpaid, and they are of very inconsiderable amount; that at their last annual meeting they laid off the county into districts, and they have at this meeting again adopted that arrangement, though they have not as yet allotted to each commissioner his proportion of the fund, not knowing what amount will be due for the next year's quota. They have agreed to be governed by the same regulations which were adopted at their last annual meeting with regard to the ages, &c. of the poor children.

MORGAN.—The school commissioners consider all children whose parents or friends do not possess means to educate them as coming within the term *indigent*. Children between the ages of five and fifteen years are generally selected for school, without preference to either sex. If the schools were kept up the whole year the quota for this county would not be sufficient. Neither is it sufficient to adopt the free school system. Some of the schools were in operation six months—the others for the winter season only.

NANSEMOND.—The school commissioners state that children from eight to twenty have been mostly entered, and males preferred generally. The teachers are considered competent and the children have made fair improvement.

NEW KENT.—The school commissioners report that they know of no claims unpaid—that the teachers patronized by them sustain good moral characters. The commissioners have nothing more to report than what has been embraced in former reports, to which they beg leave to refer. The schools generally are in operation 9 months.

NELSON.—No remarks.

NICHOLAS.—The school commissioners report that the children who have received a part of the benefit of the fund for primary education have been taught reading, writing and arithmetic, and have progressed as well in the several branches they have been taught as other children who have received instruction at the same schools.

From the number of schools now in operation, the commissioners are led to believe that during the present year they will be enabled to expend to advantage all the funds now in the hands of their treasurer, together with the quotas now due for the years 1837 and 1838.

They send children to school between the ages of 6 and 18 years without regard to sex.

NORFOLK.—By entering those who would be destitute of schooling, and who would be justly entitled under the provision of the legislature, the tuition might be greatly increased, if the school commissioners had additional funds. It sometimes happens that from particular circumstances a part of the accounts belonging to this settlement are not brought in till afterwards, so that in paying the December quarter there may be a deficiency until the January funds come on. One inconvenience of this is that a portion will have to wait till funds are received.

The board by an order of this day appropriated one half of the surplus received for the year commencing the 1st of October last to the St. Bride's academy as per law authorized.

The schools are in regular operation during the year.

NORFOLK BOROUGH.—The children are educated at the Lancastrian school.

NOTTOWAY.—The school commissioners state that they consider as coming within the meaning of the term *indigent*, all children whose parents have not the visible means to educate them. In one portion of the county the schoolmasters will not take the indigent children into school for the compensation allowed by law—and that there are cases during the present year, in which the schoolmasters have received from the parents of poor children additional compensation. The school commissioners therefore find some difficulty in entering scholars in some neighbourhoods, in consequence of the refusal of schoolmasters to take the poor children into their schools without an agreement on the part of the parents to make up the deficiency of their sums.

They will also suggest an alteration of the law which requires their appointments to be annual—they would deem it best where competent persons would consent to serve the longer the better, as frequent changes of their appointments create confusion, sometimes difficulty.

The schools are in operation during the year.

NORTHAMPTON.—A majority of the schools continue the whole year—others only from January till the 1st October.

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NORTHUMBERLAND.—The school commissioners consider the term *indigent*, as used in the laws, to comprehend—1st, all orphan children that have no estate; 2ndly, those orphan children that have some little estate, but whose annual income is insufficient to clothe and school them; 3rdly, the children of parents that have very little if any property; 4thly and lastly, the children of sober, honest, industrious and worthy parents that have some property, but having a great many children are therefore unable to maintain their families and educate their children. The commissioners have not fixed on any ages between which to send the poor children, being compelled to send them, if at all, when they can be best spared from labour by their parents, or those with whom they live; they give no preference on account of sex.

The commissioners again report that they have been *criminally remiss* in that important part of their duty of visiting the schools in their respective districts. The amount received from the Literary fund for the present year, exclusive of the surplus fund, has been insufficient to pay the tuition of all the poor children that attended the schools. Most of the teachers the present year are very defective as to qualifications, but their moral characters are pretty good.

The schools are in operation during spring, summer and autumn.

ORANGE.—The school commissioners report that there has been an entirely new organization of their board since the last report. Their present report includes the schools and reports from the commissioners in the county of Greene, which will not be the case after the next report. That they consider children as coming within the meaning of the term *indigent*, whose parents are unable to educate them. The board have sent children to school generally between the ages of 8 and 16, as well as they could judge; and no preference has been given to one sex over the other.

OHIO.—The school commissioners are of opinion that all children are embraced within the meaning of the term *indigent*, whose parents or guardians are not able to bear the expense of their education.

Although the funds appropriated to this county are not sufficient to educate all the poor children, no preference is given to boys or girls. Those between the ages of six and fifteen are usually preferred. The schools are seldom visited by the commissioners, but they are of good reputation, and the poor children going to them have made considerable progress in education.

The teachers are without exception of good moral character, and although no examination has been formally made as to their qualifications, the commissioners believe they possess the requisite attainments and qualities of teachers.

The commissioners would earnestly and most respectfully urge upon the attention of the superintendent of the Literary fund the propriety of increasing the annual quota of Ohio county—the reasons will appear manifest from the reports already submitted. They have nothing to suggest in relation to the existing laws and regulations.

PATRICK.—The school commissioners have nothing to state in addition to what is contained in their report of last year, to which they beg leave to refer for their views in regard to the system, its operations and effects and the number of poor children needing the aid of the Literary fund, &c. &c.

PAGE.—The school commissioners consider all children whose parents are unable to educate them as coming within the term *indigent*. The children taught are generally between the ages of 8 and 15 years. No preference is given to boys over girls.

The commissioners are still of opinion that if all the indigent children of the county could have the benefit of the fund, the present allowance to their county would not be sufficient. It is a matter of regret to see the allowance cut shorter than that of the last year, inasmuch as they had begun to get the poor children out to school with less difficulty than heretofore; and it would certainly be more beneficial if they had a fixed amount yearly, so that the schools might proceed without any change or interruption.

The commissioners are sorry to find that they will not have it in their power to educate as many poor children the ensuing year as they did the last. They sincerely hope that for the next year they can have a larger sum allotted to their county, as there are so many meritorious poor children who so greatly need the benefit of the poor fund. The teachers are generally men of good moral character, and the children under their care progress very well.

There are now many children who, wholly from the aid of this fund, have learned to read and write well, and some who have made creditable progress in higher branches of literature. Is not this enough to commend the system to the heart of every philanthropist in the land? Should it not stimulate to increased exertion and renewed diligence, every officer and agent concerned in the administration of the fund, from the governor himself down to the humblest teacher of a country school? Whilst other states and even some despotic governments are perfecting their systems of public education, shall we rest satisfied with what we have already done? Shall we not endeavour to devise some still better, more general and more efficient plan of public instruction?

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Now is the time for the friends of the system to exert their efforts. The people at large, and especially the *poor people*, have realized and felt its benefits—their false pride has given way, it has forced itself upon public attention by its beneficial results, its utility is no longer a matter of doubt; and all enlightened minds, it seems to us, are ready to aid in preparing a system of more extended means and still greater usefulness. If the sum expended annually in any one county, taught only *one* person to *read well*, it would in our estimation be a sum well spent. To unlock the dark chambers of the human mind, and let in the light of science and the flood of facts connected with man's history—to enable him to *read* of his origin and his destiny, and to learn what stupendous works have been done on the part of Heaven, to prevent his total ruin and misery were enough, we should think, to enlist every christian and philanthropist in the state to engage their influence and their efforts in this benevolent system.

PENDLETON.—No remarks.

PRESTON.—The school commissioners report that they consider all children whose parents are poor and have no means to pay for their tuition as coming within the meaning of the term *indigent*. There is no preference given to boys or girls. The children sent to school are between seven and eighteen years of age, and they generally progress well. The teachers are examined as to their qualifications. The commissioners have no suggestions to make as to the existing laws.

PETERSBURG.—The board continue to unite the appropriation received from the Literary fund with the funds of the Anderson seminary, by which means they are enabled to educate all the poor children whose parents are willing for them to receive gratuitous instruction.

The school commissioners take great pleasure in stating that the great difficulty heretofore experienced in procuring a suitable room for the instruction of the poor children is about being removed. An appropriation made by the common hall, together with a donation by a worthy individual citizen of our town, has placed within the control of the teachers of the Anderson seminary the means by which they will be enabled to erect a large and commodious edifice adapted to the wants of the poor children of the town.

PRINCE GEORGE.—The commissioners are not aware of any claims for tuition that are unpaid. The commissioners respectfully beg leave to state that if their transactions were required to be made up to the 31st December instead of the 30th September, (as will appear by the section of the abstract) that their returns would then be more methodical and more in conformity to system than they now are. By reference to their returns it will be found that the receipts of schoolmasters are posterior to the 30th September. This is unavoidable. It is next to impossible to get the teachers to bring in their accounts until the close of the year. Now that the legislature convenes in January, they see no just cause why this improvement may not be made as they have ample time to make their return soon enough for certified copies to be forwarded to the superintendent before the legislature convenes. For further remarks we beg leave to refer to our previous reports.

PRINCE EDWARD.—The board of school commissioners have nothing to notice in addition to the suggestions made in their last report. The adoption of the free school system has been under consideration for twelve months, and the board are fully satisfied that we shall never arrive at any thing like perfection until we adopt that plan. The defects in our present (old) system are so glaring, and have been reported so often, that it would seem superfluous to enumerate them again. The price of tuition varies in this county from ten to thirty dollars, making an average of about fifteen dollars; the consequence is, that well qualified teachers will not be troubled with that class of children designed to be benefited by the primary school funds. In the town of Farmville and its vicinity it is estimated there are 50 indigent poor children. The price of tuition is thirty dollars per scholar, and not one single poor child has been sent to school within the limits of the town, for the reason already assigned. An effort was made to procure a common teacher adapted to primary instruction, but failed. The price of board, house rent, &c. was so high that no one could afford to undertake a school of that grade.

Out of 500 children in this county coming within the provisions of our laws relative to primary schools, only 147 have derived any benefit from the fund of this county the present year, leaving 353 poor children to be thrown upon society as fit subjects for outlaws! While provision has been made by our laws for the wealthy and the poor, none has been made for the middling class of society. Notwithstanding the earnest desire of the board to carry into effect the free school district system, there are insuperable difficulties in the way. *The funds are not sufficient to carry out this system, without the people would do a great deal more than it is believed they will attempt.* The report of the second auditor, shewing the results of the free school attempts that have been made in this state, goes to demonstrate the impracticability of carrying out the present provisions of our laws upon this subject. If the legislature would appropriate the avails of the public moneys deposited by congress as a *loan* to our state, would it not enable us to accomplish an object so very desirable? If even a small deficiency

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should be lacking, would not the people be willing to be taxed to make it up? The poor and middling classes would not object because they would be gainers. The rich ought not to object because they share the benefit of the funds bestowed upon the university of Virginia. *Education is a public benefit*, vastly more so than many of our public works, which like so many gormandizers swallow up every thing that comes within their grasp. In conclusion, the board recommend that the avails of the United States deposits be held sacred for the purposes of education, and that a tax be imposed to make up any deficiency in carrying out the free school district system upon a liberal scale. It is ascertained that 5 per cent. allowed for books and stationary is found insufficient.

PRINCESS ANNE.—No remarks.

PRINCE WILLIAM.—The school commissioners are happy to state that the people are more alive to their interest (as it regards the Literary fund)—the children are sent to school more regularly, and the majority of them are progressing well and the fund has been expended on deserving objects. It may be seen by report marked B, that all the commissioners are not equally diligent in the application of their part of the fund; this delinquency they think will be fully made up the ensuing year, and a small balance, if any, will be reported; therefore had the commissioners double the amount it would be expended on deserving objects.

PITTSYLVANIA.—The commissioners consider those children *indigent*, whose parents are unable to educate them, and none others are sent to school.

The commissioners believing during the period that the school fund was so limited that more permanent benefit would be derived by educating the boys gave them the preference over the girls. The fund having increased, they make no discrimination in the sex, hoping they will be able to educate all who desire a participation in the benevolent designs of the law.

They send but few children under ten or over seventeen years of age, whose progress has proved the utility of the primary schools, as some of them in turn have become teachers of those low branches of education including reading, writing and arithmetic. They regret exceedingly that their authority ceases to continue them at school after they have acquired a knowledge of those simple branches—branches, a limited knowledge of which enables them to flounder through the common and ordinary avocations of life, but in many instances not sufficiently expanding the mind to understand the nature and system of universal suffrage and popular government, themes of the deepest importance to a people the complicated machinery of whose government was intended to be based upon virtue and intelligence. Little learning we have often heard was a dangerous thing. A smattering knowledge of science, law or politics, rears up many a noisy demagogue, whose clamour rather than his patriotism exalts him into a leader of the people, embracing and disseminating the most pernicious doctrines, uprooting all settled principles, and introducing the most leveling, anarchical, and absurd notions. Nothing but a proper system of education will correct these errors. Enlighten the people and their sagacity will at once detect those *Richard the Thirds*, who bow their reluctant and unwilling heads to receive but to betray.

The school commissioners further report that by the increase lately made of a portion of the surplus revenue to the school fund, they have been enabled this year to educate forty-one more children than they did the preceding year. They apprehend that the general scarcity which will prevail another year will greatly curtail the benefits flowing from a primary system of education, consequently a large surplus may be expected to remain unexpended in the treasurer's hands. They again express regret that their control over the children ceases upon their acquiring a smattering of reading, writing and arithmetic, that they are then compelled to turn adrift many sprightly geniuses whose services might be valuable to the county if they could receive a liberal course of instruction. They are of opinion, from what observation they have made, that genius is as apt to be found in the cottage as in the palace, and would evidence the names of Franklin, Pinkney and Rittenhouse, besides innumerable instances among their cotemporaries. They would therefore suggest that a fund be set apart under the control of the school commissioners for the education at some academy of such of the indigent youths as they believed were susceptible of useful and permanent improvement. From the present state of our academies those youths can never derive any benefit whatever; for they would respectfully suggest that under the present parsimonious spirit of the legislature, the academies are waste places. Many of them mere habitations of the beasts of the forest and the fowls of the air. Erected by individual munificence it would be taxing that munificence unreasonably to expect an additional outlay to purchase apparatus, employ teachers, &c. for charitable objects. It is a duty the commissioners think, that the legislature owes to the *middling class* of the community. Already have that body provided in a measure for the indigent. Already have they provided (as the commissioners have before suggested in their former reports) for the rich, by an appropriation of $15,000 to the university, an institution from the expenses attendant upon it, wholly out of the reach of all but a few. They would respectfully call attention to this last subject in order that its importance and necessity may be urged upon the legislature—a necessity every day increasing in magnitude. When we reflect that our children are almost wholly educated by northern men, who although they may not be conscious of it, or design any evil, are instilling into them opinions, feelings and notions peculiar to the north, but dangerous to the south. So uncon-

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scious are these influences on the young mind that when arrived at maturity they naturally turn their attention thither for every article of fancy or profit, even down

"To their buttons and shoe strings,
Axe handles, corsets and other things."

Hence it is that the commissioners are strengthened in their opinion of the legislature's aiding the academies, so that the south may raise their own schoolmasters, which can be readily done if the above suggestions are regarded. The commissioners would have urged this subject more urgently in their former reports, but they were in hopes that the act of congress distributing the surplus revenue would ultimately accomplish this end—even after the payments of the instalments were postponed, they nevertheless flattered themselves that it was only a temporary postponement. Had they been apprised of the sand rope accountability existing between the executive of the U. S. and its officers, the oily fingers and grand daddy legs of the sub-treasurers, they would have never looked for a moment to such an *ignis fatuus*, but would have urged their views at once to the legislature, more particularly when they take into consideration that the whole school fund of the commonwealth scarcely amounts to the interest on the school fund of some other states, although these states are much more engaged in the task of internal improvement.

In order that all the children may be attended to the commissioners have divided the county into 15 parts, allotting to each commissioner such portion of the funds as the necessity of each bound requires.

POWHATAN.—No remarks.

POCAHONTAS.—The commissioners refer to their last annual report.

RANDOLPH.—The school commissioners report that they have limited the ages of the poor children to be sent to school from 7 to 18. They have made no distinction between boys and girls.

RAPPAHANNOCK.—No remarks.

RICHMOND CITY.—The commissioners report that about 200 poor children have been instructed for different periods during the year at the Lancastrian school and 20 during the whole year at the Female orphan asylum. The trustees of the Lancastrian school in their report to this board say, "these children are well taught all the elementary branches of a good english education, such as reading, writing, cyphering, grammar and history; to this is added in the female department needle work of various kinds, useful and ornamental."

RICHMOND COUNTY.—No remarks.

ROCKBRIDGE.—The school commissioners, as heretofore, consider those children as coming under the term indigent, whose parents are not able to pay for their education without depriving themselves of some of the necessaries of life. The poor children they send to school are generally between the ages of eight and thirteen; but there are a few sent as young as five, and some as old as fifteen or sixteen.

The commissioners seldom visit the schools within their districts, but obtain occasionally the best information they can respecting their state. The poor children, they think, make as good progress at school as others, making due allowance for the desultory manner in which many of them go to school.

They do not examine the teachers, but leave the people employing them to judge of their qualifications, but if in any particular case they ascertain that a teacher is very deficient, either in a literary or moral point of view, they do not countenance him.

ROCKINGHAM.—No remarks.

RUSSELL.—The school commissioners make no distinction between boys and girls. They have nothing to report further than what they have heretofore reported.

STAFFORD.—No remarks.

SHENANDOAH.—The school commissioners give no preference to boys or girls; children are generally selected between the ages of 5 and 16 years. Those children are considered indigent whose parents are unable to educate them. They refer to their report of 1834, as containing substantially all they would now have to say on the same subject.

SOUTHAMPTON.—The school commissioners report that the children have been schooled without regard to sex, between the ages of eight and eighteen years, and they have progressed as is common in country schools.

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It will be perceived that the board are of opinion that there are 300 poor children in the county entitled to the fund, and that 224 have been educated, and yet they report a balance on hand sufficient to have educated the whole. This is caused by circumstances often beyond the control of the commissioners: sickness of children; a teacher gives up his school, and some time elapses before another is found to supply his place; and sometimes parents keep their children at home to labour for support. If the commissioners had more money, more would be expended and on deserving objects; for they are about to commence two school houses on the free school plan, which will be in operation the first of the year 1839. But after all it may happen that a small balance will be on hand at the close of the year.

SMYTH.—The school commissioners report that from the irregularity of the periods at which many of the schools commence it frequently occurs that a large amount of claims for tuition becomes due in a short time after the annual meetings. For their construction of the term "indigent," and of all other matters required of them to be reported they refer to their last annual report.

SCOTT.—The school commissioners think it unnecessary to give an opinion as to the term *indigent* children, used in the law, as they have given it frequently in former reports; there is no preference given to boys or girls in selecting them. It would require a much larger sum of money to school all the poor children in the county than is now allowed by law, if they could be induced to go when entered; but the negligence of parents in sending children is a great difficulty in this county. The schools are not visited by the commissioners often, but so far as they have visited them they think the children seem to learn as fast as other children in the same schools. The teachers are sometimes examined as to their qualifications, and it frequently turns out that the commissioners have to take teachers badly qualified, as it is difficult to get them on any terms.

The law which requires the board to fix the sum, which their treasurer shall pay during his official term to the order of each commissioner, on account of tuition, books and other expenses for poor children, is rather unreasonable in some respects; for it frequently happens that when a commissioner enters children they either go much less or much more to school than he thinks they will, and all the chance there is to prevent expending too much is to limit the teacher not to exceed a certain sum. The commissioners think that if that law were repealed they would have less difficulty, but they are willing to abide by it if others are.

SPOTTSYLVANIA.—The school commissioners consider orphans whose estates are not sufficient to educate them, and children of parents who are not able to pay for their schooling, as coming within the meaning of the term *indigent*, used in the law. Such as are between the ages of 12 and 14 years have been entered to school when there has been a school convenient to them, and their parents would agree to send them. But it has sometimes happened that such have not been entered to school, because their parents were too indigent to equip or clothe them in a suitable way, and to furnish them with such provisions as they would like for them to carry to school. No preference has been given to either sex. There have not been any public schools established in this county. The private schools are generally taught by persons who are qualified, and the improvement of the children answers the full expectations of the commissioners.

The commissioner for the Fredericksburg district reports (and wishes it to be herein inserted) that he entered eleven boys and fourteen girls at three different schools in the town of Fredericksburg, conducted by competent teachers; and that he has good reason to be satisfied with their progress, particularly with that of the girls, who are taught, in addition to reading, writing, &c. all useful housework, such as spinning, weaving, &c. He believes that there are at least one hundred children in the said town and its vicinity, who are real objects intended to be reached by the primary school fund. At least fifty of those children, in addition to the twenty-five entered by him as school commissioner and named above, are now at the different free schools supported by the town.

There are six other schools male and female in operation, and one classical and mathematical academy, called the Fredericksburg academy, which was incorporated by the last legislature.

SURRY.—The school commissioners have proceeded to lay off the county into districts for the greater convenience and advantage of the poor children committed to their care, and have assigned one district to each of the school commissioners. They report that the usual circumstances, to wit—the want of convenient schools, parents withdrawing their children, and sickness of children have been the causes of there being an unexpended balance in the treasurer's hands, and in consequence of the treasurer's being unable to get in the outstanding claims against the fund in time to include them in this report.

SUSSEX.—No remarks.

TAZEWELL.—The school commissioners report that the district system has not yet been carried into operation in this county, though they are of opinion that there are some neighbourhoods where district schools

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would be very important. But to district the whole county at this time, the commissioners would not advise. The commissioners feel happy in saying that in some instances they believe the benefits of the fund have been greatly realized; but in some others it has not been, greatly owing to the incompetency of teachers. To remedy this the commissioners have appointed a central committee, and no commissioner is authorized to subscribe to any teacher who does not produce a certificate from said committee. For further information they beg leave to refer to their former reports.

TYLER.—No remarks.

WASHINGTON.—For more particular information in regard to the district free schools in this county, the appointment of trustees and teachers, the board of school commissioners refer to their annual report for the year 1833; and to the abstract of the returns of schoolmasters of the said district free schools.

From this abstract it will be seen that the tuition of 360 poor children at the thirty-one schools which have been in operation during the last year, would if continued at school the whole year cost the sum of $2045, being about $5 68 per scholar. From the report of the trustees of the schools and observation of the commissioners, they feel no hesitation in saying that the schools are well conducted, that the children progress in learning as rapidly as could be expected, and that the poor children make as much improvement as the others.

The fund appropriated by law is sufficient for the education of the poor at present, but would not be if all the schools in the county were in operation at the same time and continued throughout the year. No person is employed as a teacher in any of the said district schools without being examined as to his qualifications and moral character, and certified in the manner prescribed by law.

In conclusion, the commissioners beg leave to state that it is their painful conviction that the present methods of public education throughout the state are comparatively, yea almost entirely *abortive:* a very great portion of the schoolable population do not reap any advantage at all from the expenditure, and the actual instruction is deficient. They therefore respectfully suggest that the legislature be called upon to take steps to gain information that will enable them to fix upon some general and uniform system of public instruction that shall redeem the character of our state.

WARREN.—The school commissioners regard as *indigent children* all orphans without property, and all children whose parents are poor and unable from age or infirmity to educate them. The children sent to school by them are generally between the ages of six and sixteen years. No preference is given to boys or girls. It will require a larger sum than the present quota of the county to educate all the children entitled to the benefit of the fund.

Some of the schools have been visited by the commissioners of the respective districts, others have not. The improvement made by the poor children sent to school is as good generally as that of other children in the same schools, where they attend regularly, but the commissioners find much difficulty in many instances in procuring the regular attendance of the poor children, as they are often kept at home to labour, or for want of suitable clothing, and often for other pretended causes.

The teachers are not generally examined as to their qualifications, as the commissioners have to send the poor children to such teachers as are employed by the neighbours. They believe that all who have been employed by them are competent to teach the children according to the intentions of the law. They are all known to the commissioners as persons of good moral character.

The commissioners have hitherto pursued the old system, and are not prepared to suggest any alterations or modifications of the existing laws and regulations. They still have undiminished confidence in the benefits to result to the poor population of the state from a prudent and wise administration of the Literary fund.

WESTMORELAND.—No report.

CITY OF WILLIAMSBURG.—One school only has been selected by the commissioners for the education of those children entitled to the benefit of the primary school fund under their direction. This school has been regularly kept up, and attended during the year by those children who have been placed there by the commissioners. The teacher has had great experience in the art of teaching youth, and his capacity as a teacher may be fairly ascertained by reference to the fact that his school has been well attended for thirty years in this city.

No allowance has been made or charged on account of the commissioners, their treasurer or clerk, they agreeing to act without compensation.

The commissioners have not yet received the portion of the quotas of York county for the years 1832, 1833, 1834 and 1835, to which Williamsburg is entitled under a special act of assembly, but the settlement is in progress and is expected soon to be finished, and the amount paid over.

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The annual quota for the city, say $64 23, is not sufficient to school all those entitled to the benefit of the fund in this city, but a further sum of $150 will be required for that object, and yet it will be seen that there is still a balance in the hands of the treasurer; this however is owing to the fact that money from *different sources* has during the past year come into the hands of the treasurer.

Whatever suggestions have been heretofore made by the commissioners as to the beneficial effects resulting generally from this charitable fund, they beg leave to report, with a hope and earnest desire that the legislature will not lose sight of a measure so important in its consequences.

WYTHE.—No remarks.

WOOD.—No remarks.

M.

REPORTS OF ACADEMIES

WHICH HAVE RECEIVED AID FROM THE LITERARY FUND,

Either by direct appropriation of law, or through the School Commissioners,

FOR THE YEAR 1838.

BOTETOURT SEMINARY.

At a called meeting of the president and directors of Botetourt seminary held at the office of John T. Anderson in the town of Fincastle, on the 31st of December, 1838:

On motion, it is ordered, that the following report be made to the president and directors of the Literary fund:—That since the last report of this board the institution under their care has been in the most prosperous condition. During the last winter session between sixty and seventy students attended the seminary, and at its close there was a public examination of the students, which did great credit to both teachers and students. At the close of the last session there were seventy-three students who stood a rigid public examination before the board on their various studies, which resulted greatly to the satisfaction of both the board and their parents and guardians. They appear to be accurately taught in their various studies, and their proficiency more than equalled the highest expectations. The rudiments of an english education, and the latin and greek languages, and most of the sciences are thoroughly taught here. At the close of the last session the board determined in future to have but one session in the year, and an annual examination instead of a semi-annual as heretofore. Hereafter the session will terminate on the 15th of July and commence on the 15th of September, so as to have the vacation at the warmest and most unhealthy season of the year.

The present session has commenced very well. There are now 85 students at the institution. Thomas Brown, Esq., continues to perform the duties of principal of the seminary, to the entire satisfaction of the board, and the parents and guardians of the students. He has had for some time, and continues the services of Mr. A. B. Clarke, an efficient assistant, and as soon as the president and directors of the Literary fund shall approve of the act of the school commissioners of Botetourt county, by which they appropriated the said county's quota of the surplus revenue of the Literary fund to Botetourt seminary, the board intend to procure the aid of another efficient assistant. The support which the board have received from the Literary fund will be

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exhausted by the 1st of next April. They have received the quota of Botetourt county of the surplus revenue due on the 1st of January, 1836, and one half of the said quota due on the 1st of January, 1837, and put it out to interest, which enabled them to pay the principal of the institution a salary of $400 per annum, payable in semi-annual instalments of $200—the last of which will be due the 1st of next April. The board cannot conclude this report without expressing the hope that the president and directors of the Literary fund will immediately confirm the enlightened and patriotic act of the school commissioners for Botetourt county, whereby they appropriated permanently the said county's quota of the surplus revenue of the Literary fund to this institution. They have purchased an excellent pair of globes and are now endeavouring to raise funds to purchase a chymical and philosophical apparatus, and when this shall be done they cannot dispense with the services of another efficient assistant, whose salary cannot be raised without the small endowment of the said quota of the surplus revenue of the Literary fund. A number of poor children have been entered by the school commissioners as students of the seminary and are taught at the price fixed by law.

All which is respectfully submitted.

WM. ANDERSON, *President B. S.*

FOX HILL ACADEMY.

Fox Hill Academy, December 1838.

The trustees of this institution, pursuant to an act of assembly passed March 2d, 1836, entitled, "an act appropriating the surplus revenue of the Literary fund," beg leave to make the following report:

The proportion of the surplus revenue of the Literary fund accruing to the county of Elizabeth City for the year 1838, was transferred by the school commissioners of this county to the Fox Hill academy; and in pursuance of an order to that effect has been paid over to the principal teacher towards payment of his salary. This seminary possesses no source of revenue except the tuition fees and what is derived from the surplus of the Literary fund, which together are barely sufficient to keep the institution in operation during the year.

The trustees having it in view to make the institution as available as possible, have raised a fund by subscription sufficient to build a suitable schoolhouse, which will be ready for use by the first of the ensuing year.

There is only one teacher employed in the academy, in which are taught the various branches of an English education. The number of pupils that attended during the year, varied from 30 to 60. The larger portion of these consisted of paupers, a circumstance which diminished much the salary of the teacher and enhances the claims of the school for aid from the legislature. Those who have attended regularly, the trustees are happy to say have been much improved.

The trustees look forward with much hope to the day when from additional aid from the general assembly, the sphere of the usefulness of the institution will be greatly enlarged, and the intellectual improvement of the county be promoted in proportion.

All which is respectfully submitted.

JOSEPH PHILLIPS, *President.*

Elijah Phillips,
Secretary Board Trustees.

MARSHALL ACADEMY.

To the President and Directors
of the Literary Fund of Virginia.

The trustees of the Marshall academy beg leave to report that with the funds which they procured by private subscription they purchased one and a quarter acre of land, erected a building of brick 50 feet by 22, two stories high, and which they have been enabled to finish except the painting. They have incurred some debts in sinking a well, enclosing the lot, &c. which enabled them to commence business last year.

The academy is divided into two departments. The primary school has been placed under the management of a teacher well qualified, and by ensuring him 25 scholars at $12 per scholar, he receives the subscrip-

tion for his salary. But the trustees undertake to pay for all the *poor scholars* that will attend, and such as the school commissioners would have provided for. To this extent they use that portion of the surplus revenue of the school quota assigned to them in this department.

The classical department is under the management of a gentleman well qualified to teach the languages, mathematics, &c. and to whom they give the sum of $500 for the first year, and $600 thereafter. To provide for this demand they charge $20 per annum to the student, and for the deficiency they look to the surplus revenue for assistance.

The first year they find that they will have occasion for every dollar they receive from the Literary fund, to satisfy the claims of their teachers, but entertain a hope that after the first year they may be able to save something towards purchasing apparatus, a library, &c.

All of which is respectfully submitted.

JOHN LAIDLY, *President.*

FRED'K G. L. BEUHRING, *Sec'ry.*

Marshall Academy, Cabell county, 6th February, 1839.

MARGARET ACADEMY.

To the President and Directors of the Literary Fund.

Pursuant to an act of the general assembly passed the 27th of February, 1833, making it the duty of the trustees of Margaret academy to report annually to the president and directors of the Literary fund, shewing the state of the funds of the academy, the different sources of income, the annual receipts therefrom, and the disbursements and expenditures both of such income and also the appropriation therein made, the trustees of Margaret academy make the following report:

The academy possesses no funds or sources of income other than the annual appropriation of one hundred dollars from the Literary fund, and what is derived from tuition fees. A competent teacher was employed the last year at a salary of three hundred dollars in addition to board, washing and lodging, and the overplus if any arising from the above sources.

JOHN FINNEY, *President*
of the Board of Trustees of Margaret Academy.

THO. R. JOYNES, *Secretary.*

January 1st, 1839.

NORFOLK ACADEMY.

The trustees of the Norfolk academy in the borough of Norfolk respectfully report to the president and directors of the Literary fund that since their last annual report they have received from the second auditor of the commonwealth of Virginia, through their treasurer, Benjamin Pollard, the surplus quota for the year 1838, amounting to two hundred and thirty-seven dollars and 78 cents; which (together with the former appropriation from the same source) has been invested in stock well secured, and bearing an interest of six per cent., with a view to accumulate a sufficient fund to enable them to pay a respectable salary to a competent teacher.

As the school commissioners of the borough of Norfolk have heretofore made a permanent appropriation of the surplus quota from the Literary fund to the trustees of the Norfolk academy, we have directed our treasurer to draw upon the superintendent of the said fund for the surplus quota for the year 1839.

All of which is respectfully submitted.

SWEPSON WHITEHEAD, *President.*

Attest,

BENJ. POLLARD, *Secretary and Treasurer.*

Norfolk, December 27th, 1838.

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NORTHUMBERLAND ACADEMY.

To the President and Directors of the Literary Fund.

The trustees of the Northumberland academy in pursuance of the provisions of the act of the general assembly in that case made, provided, &c. beg leave to report that the quota accruing to this county from the Literary fund, being still continued to the benefit of the academy by the school commissioners of the said county, the board of trustees applied the same the past session (which ended the last of November) towards compensating the principal teacher or professor of this institution. The tuition fees still stand at the rates to which they were reduced by a resolution of the board some time since, as will more fully appear from a reference to the last report of this board made to the president and directors of the Literary fund.

This institution still continues to receive the patronage of the public and to come up to the warmest anticipations of its friends. The number of students the last session was fifty; a number equal to that of any preceding session for some years past. The expenses at this institution, it is believed, are lower than at any similar institution in the state, and are lower than those of some of the private schools in the vicinity, to say nothing of the advantages to be derived from the library, maps, globes, instruments, &c.

No pains have been spared by the board to raise the character and extend as widely as possible the benefits of this institution. They have succeeded in obtaining the services of Peter M'Viccar, esq. late of South Carolina, for the ensuing year, whose literary attainments and moral standing leave no doubt of his fitness to preside over this or any similar institution.

All of which is respectfully submitted, &c.

W. BASYE, *Chairman.*

Attest,

J. M. SMITH, *Secretary pro tem.*

December 21st, 1838.

RANDOLPH MACON COLLEGE.

In obedience to an act of the legislature of Virginia, incorporating Randolph Macon college, the board of trustees report to the president and directors of the Literary fund the general condition of that institution.

FUNDS.

The funds of the college consist of subscriptions made by individuals, and amount to about $90,000, the most of which has been collected and expended in the erection of buildings, in the purchase of a library, apparatus, and in the payment of salaries of officers and agents, (and the remainder will not be sufficient to pay the debts due for the buildings. Tuition fees and four thousand dollars vested in 6 per cent. stock constitute the present available funds of the institution, while it is confidently expected that other resources will be received from Georgia and South Carolina, yet nothing like sufficient to defray the current expenses of the college.

STUDIES.

These are divided into five departments:

1. Moral science.
2. Natural science.
3. Mathematics.
4. Ancient languages.
5. English literature and Modern languages.

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TEACHERS.

There are a president with a salary of	-	$1500 per annum.
Four professors with a salary of	-	1200 each.
One tutor with a salary of	-	500
One teacher of the preparatory school with a salary of		800

NUMBER OF STUDENTS, EXPENSES, &c.

Number of students 120.

Tuition in college for the year, - - - -	35 00
Deposit fee for damages, servants' hire, &c. - - -	5 00
Board for 9½ months at $8 per month, - - -	76 00
Bedding and washing, - - - - -	16 00
Candles and wood, - - - - -	10 00
All expenses except for clothing, text books, &c., - -	$142 00

The college very much needs funds to complete both the library and apparatus, and permanent means to support its faculty, as well as to pay its debts, and respectfully solicits the general assembly in its wisdom, to afford out of its abundant resources, the means necessary to secure those objects.

All which is respectfully submitted.

JNO. EARLY, *President*
of the Board of Trustees.

Randolph Macon College, January 1st, 1839.

RICHMOND ACADEMY.

RICHMOND, July 30th, 1839.

JAMES BROWN, JR. *Second Auditor.*

At a meeting of the board of trustees of the Richmond academy held this day, it was

"*Ordered*, That it be certified to the second auditor that the surplus quota of the Literary fund received by the Richmond academy for the last year was wholly expended for the purposes of instruction, and that A. Robinson, jr. the treasurer, be authorized to receive the quota for the present year."

From the minutes,

S. MAUPIN, *Secretary.*

STRASBURG ACADEMY.

Pursuant to a joint resolution of the general assembly of Virginia, passed on the 25th day of February, 1835, the trustees of Strasburg academy make the following report to the president and directors of the Literary fund, viz: By the will of Christian Stover, deceased, a lot adjoining the town of Strasburg containing 19 acres was devised for an academy, which was incorporated afterward by an act of the general assembly of Virginia, and trustees appointed by the county court of Shenandoah, who rented the land at about 75 dollars per annum; and in anticipation of the rents the trustees erected a suitable building for the school, and also a dwelling house and other necessary buildings for the use of the teacher and family. All the buildings are substantial brick

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buildings, well finished and in good condition; and the institution is now in debt to about the sum of four hundred dollars.

The academy is now occupied by a competent principal and an assistant, and the number of pupils amounts to about 25. The teachers receive no salary except the tuition fees, and the amount appropriated during the current year by the board of school commissioners, say 126 dollars. The fees for tuition are, for the English branches from 12 to 16 dollars, and for the Languages from 24 to 32 dollars.

D. STICKLEY, *President.*

W. GATEWOOD, *Secretary pro tem.*

December 29, 1838.

WASHINGTON ACADEMY.

The trustees of the Washington academy do hereby respectfully report that they have appropriated the portion of the surplus revenue of the Literary fund, awarded this institution by the school commissioners of Westmoreland county, amounting to the sum of $171 96, in aid of the salary of the principal of this academy, as will appear by the following extract from the records of this board, viz:

At a called meeting of the board of trustees held December 1st, 1838, *Resolved*, That the fund arising from the surplus revenue of the Literary fund of this commonwealth, and awarded this institution by the school commissioners of this county for the present year, and already received, be and hereby is appropriated to H. J. Foster, principal of this academy, in aid of his salary.

Signed,

H. TAYLOR, *President.*

BENJ. F. STEWART, *Secretary.*

December 18*th*, 1838.

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N.

BOOKS IN USE IN THE PRIMARY SCHOOLS IN 1838.

Amherst.—Webster and Murray's Spelling Books, Murray's Grammar, New York and English Readers, Pike's Arithmetic, Adams's Geography.

Alleghany.—American Primer, Webster's Comly's Spelling Book, New York Reader 1, 2 and 3, American Preceptor, Murray's Introduction, English Reader and Sequel, Bible Testaments, Peter Parley's, Woodbridge's and Adams's Geographies, Pike's Arithmetic, Walker's and Webster's Dictionaries, English Grammar, Exercise and Key.

Amelia.—Webster's and Comley's Spelling Books, New York Readers 1, 2 and 3, Cobb's Juvenile Readers 1, 2 and 3, Parley's Tales, Parley's America, Europe, Asia and Africa, 1st and 2d Book of History, Parley and Olney's Geography, Olney's Reader, Walker's Dictionary, Grimshaw's History of U. States, Smith's and Pike's Arithmetic, Murray's Grammar, &c.

Augusta.—Webster's Spelling Book, New York Readers 1, 2 and 3, English Reader, Murray's Grammar, Pike's Arithmetic, Smiley's Geography, &c.

Braxton.—Webster's Spelling Book, Testament, Bible and English Reader.

Botetourt.—American Primer, Webster, Burham and Elementary Spelling Books, New York Reader 1, 2 and 3, Murray's Introduction, English Reader, Columbian Orator, American Speaker, Walker's Dictionary, Scott's Lessons, Bible Testament, Pike's Arithmetic, Smith's Arithmetic, Adams's and Olney's Geography.

Brooke.—United States, Western and Cobb's Spelling Books, New Testament and Bible, Introduction and English Reader, Western Calculator and Walsh's Arithmetic, &c.

Brunswick.—Webster's Spelling Book, Walker's Dictionary, Introduction and English Reader, Pike's Arithmetic, Morse's Geography, &c.

Cabell.—American Spelling Book, Introduction and English Reader.

Campbell.—New York Primer and Spelling Book, Webster's Spelling Book, Parley's Works, New York Reader, English Reader and American Preceptor, Scott's Lessons, Bible and Testament, Grimshaw's United States, Walker's Dictionary, Pike's Arithmetic, Olney's Geography and Atlas, Mitchell's Map of U. States, Lewis's Map of the World, Murray's Grammar, Exercise and Key, Kirkham's English Grammar.

Caroline.—Comley's, Webster's and New York Spelling Books, American Primer, English Grammar, New York and English Readers.

Charles City.—Scott's Lessons, English Reader, Testament, Fenning's Spelling Book, History United States, Webster's Spelling Book, New York Reader, Life of Washington, History of Greece, Introduction, &c.

Charlotte.—Webster's Spelling Book, New York Reader, English Reader, American Preceptor, Pike's and Smith's Arithmetic, New Testament, Parley's, Olney's and Woodbridge's Geography.

Clarke.—Comley's Spelling Book, Introduction to English Reader, Parley's History, English and New York Readers and General History.

Chesterfield.—Webster's, Comley's, Union, American and New York Spelling Books, New York Reader, Murray's Introduction and English Reader, Bible and Testament, Adams's, Parley's, Woodbridge's, Olney's and Cummings's Geographies, Grimshaw's United States, Greece, Rome and England, Smith's and Murray's English Grammars, Exercises and Key, and Walker's Dictionary.

Culpeper.—Webster's and other Spelling Books, New York Reader 1, 2 and 3, U. S. Reader 1, 2 and 3, Pike's and other Arithmetics, Walker's and other Dictionaries.

Dinwiddie.—Comley's Spelling Book, English Reader, Pike's Arithmetic, Walker's Dictionary.

Fairfax.—Comley's Spelling Book, Murray's English Reader, and Jess's Arithmetic, &c.

Fauquier.—Comley's Spelling Book, Webster's Spelling Book, Emerson's Spelling Book, Elementary Spelling Book, Adams's Spelling Book, Introduction to Reading, Peter Parley, United States Reader, English Reader, New York Reader, American Preceptor, Scott's Lessons, U. S. History, History of Distinguished Worthies, Life of Marion, Histories of Greece and Rome, Murray's Grammar, Testament, Pike's Arithmetic and Geography, Walker's Dictionary.

Franklin.—Webster's Spelling Book, New York Reader, Walker's Dictionary and Pike's Arithmetic.

Frederick.—Comley's, Webster's and New York Spelling Books, Child's Books 1, 2, 3 and 4, Juvenile Reader, English Reader, Introduction and Sequel, American Preceptor, Murray's and Kirkham's Grammars, Jess's, Pike's, Parke's and Smiley's Arithmetics, Parley's and Olney's Geographies, Testament, Walker's Dictionary, &c.

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Floyd.—Webster's Spelling Book, Bible and Testament, &c. Pike's Arithmetic, &c.
Grayson.—Webster's Spelling Book, New York Reader, English Reader, Pike's Arithmetic.
Giles.—Webster's Spelling Book, English Reader and Introduction, Bible and Testament, Histories of U. States, Greece and Rome, Fowler's Arithmetic, Geography, &c.
Gloucester.—New York Spelling Book, Murray's Grammar, New York Reader 1, 2 and 3, Grimshaw's Histories, Walker's Dictionary, and Pike's Arithmetic.
Halifax.—American Primer, Webster's Spelling Book, New York Reader 1, 2 and 3, English Reader, Bible and Testament, Walker's Dictionary, &c. &c.
Hanover.—Webster's Elementary Book, New York Spelling Book, Union Spelling Book, Scholar's Guide, English Reader, New York Reader, Peter Parley's Books, Goodrich's History, Testament, Baxter's Call, Religious Letters, Adams's and Olney's Geographies, &c.
Harrison.—United States, Cobb's, Elementary and Webster's Spelling Books, English Reader and Introduction, Testament and Pike's Arithmetic.
Henry.—New York Reader, English Reader and Pike's Arithmetic.
Henrico.—New York Spelling Book and Reader 1, 2 and 3, Murray's Grammar and Pike's Arithmetic.
Isle of Wight.—American Primer, Webster's and U. S. Spelling Books, Testament, English Reader and Introduction and Arithmetic.
Jackson.—Webster's Spelling Book, English Reader and Introduction, Olney's Geography and Atlas, Murray's Grammar, Pike's and Smiley's Arithmetic.
James City.—Webster's Spelling Book, English and New York Readers.
Kanawha.—Webster's and Cobb's Spelling Books, Pickett's 2d Reader, M'Guffey's 3d and 4th Reader, New York Reader, Parley's Works, English Reader, History of U. States, Life of Franklin, Life of Washington, Bible and Testament, Walker's Dictionary, Smith's and Murray's Grammar, Smith's and Woodbridge's Geography, Pike's, Smiley's and Smith's Arithmetic.
King William.—Union, New York and Webster's Spelling Books, Early Lessons, English Reader, and New York Reader 1, 2 and 3, Sanford and Merton, Smith's and Murray's Grammars, Olney's Geography, Pike's and Colburn's Arithmetics.
King & Queen.—Worcester and American Primers, Webster's Spelling Book, New York Reader 1, 2 and 3, English Reader and Introduction, Spectator, Columbian Orator, Sanford and Merton, American Preceptor, New Testament and Bible, Christian Resolution, Life of Buchanan, Histories of Greece and Rome, Life of Washington, Walker's Dictionary, Parley's United States, Smith's, Adams's, and Olney's Geography, Smith's and Pike's Arithmetic.
Lancaster.—Webster's Spelling Book, United States Reader, &c.
Lee.—Webster's Spelling Book, English Reader and Introduction, United States Reader, Testament, Walker's Dictionary, Murray's Grammar, Pike's Arithmetic, &c.
Lewis.—Webster's Spelling Book, U. S. Reader, Pike's Arithmetic.
Loudoun.—Comley's, Webster's and Hazen's Spelling Books, Testaments, Bibles and Sabbath School Books, Sanford and Merton, Grimshaw's Histories, U. S. Reader, N. Y. Reader, English Reader, Parley's Histories, American Tutor, Class Book 1, 2 and 3, Smith's Grammar, Murray's Grammar and Introduction, Pike's, Jess's and Smith's Arithmetics, Adams's and Huntingdon's Geographies, Walker's Dictionary.
Lunenburg.—Webster's Spelling Book, English Reader, Parley's Geography, Walker's Dictionary.
Mason.—Webster's Spelling Book, U. S. Primer, Parley's Tales, Murray's Reader and Introduction, American Preceptor, the Bible and Testament, Pike's and Smiley's Arithmetics.
Madison.—Elementary and New York Spelling Books, New York and English Readers, Walker's Dictionary, Murray's Grammar, Adams's Geography, Pike's Arithmetic, &c. &c.
Mecklenburg.—American Primer, Webster's Spelling Book, New York Readers 1, 2 and 3, American Preceptor, Murray's Introduction, English Reader, Murray's Grammar, Bibles, Testaments, &c. Walker's Dictionary, Pike's and Park's Arithmetics.
Monongalia.—American Primer, U. S. and Webster's Spelling Books, English and Juvenile Readers, Bible and Testament, Murray's and Parley's Geography and Grammar, Smith's and Pike's Arithmetics.
Morgan.—Comley's, Elementary and Webster's Spelling Books, Cobb's New York and English Reader, and Introduction to English Reader, Jess's Arithmetic.
Nansemond.—Webster's Spelling Book, Murray's Grammar, Daboll's Arithmetic, English Reader and Introduction, Parley's Geography.
New Kent.—American Primer, Webster's, Comley's, Universal and New York Spelling Books, English, American and Cobb's Readers, Testament, History of Greece, Walker's Dictionary, English Grammar and Olney's Geography and Atlas.
Northampton.—Comley's and Webster's Spelling Books, 1st and 2d Class Readers, Testament, Pike's Arithmetic, Adams's Geography, and History U. States.

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Northumberland.—Comley's and Webster's Spelling Books, New York Reader, 1, 2 and 3, Murray's Introduction and English Reader, Testament, Walker's Dictionary, Pike's Arithmetic.

Nottoway.—New York Readers 1 and 2, and Pike's Arithmetic.

Orange.—New York Spelling Book, Webster's Spelling Book, Expositor, New York Reader and B. Lectures, Cobb's Reader, U. S. Reader, Parley's Tales, Life of Franklin, Murray's Grammar, Olney's Geography, Pike's Arithmetic.

Ohio.—U. S. Primer, New England Primer, U. States, American and Webster's Spelling Books, Electic, English and Elementary Readers, Histories of United States, England, Rome and Greece, Webster's Goodrich's and Grimshaw's History of United States, Young Orator, Columbian Orator, Bible, Testament, Kirkham's Grammar, Olney's, Woodbridge's, Smiley's, and Parley's Geographies, Jess's, Pike's and Slocumb's Arithmetics.

Patrick.—New York Primer, Cobb's and Webster's Spelling Books, New York Reader, English Reader and Introduction, Popular Lessons, New Testament, Life of Washington, Life of Marion, History of the Indian War, History of the U. States, Pilgrim's Progress, Pike's Arithmetic.

Preston.—American Primer, Webster's Spelling Book, Murray's Introduction, English Reader and Sequel, Bible, Testament, Histories of U. States, Greece, Rome and England, Jess's and Pike's Arithmetic, Walker's Dictionary.

Prince William.—Comley's and Webster's Spelling Books, New York and U. S. Readers, Bible and Testament, Murray's Introduction, Grammar, Exercise and Key, Walker's Dictionary, and Pike's Arithmetic.

Prince Edward.—American Primer, Webster's Spelling Book, New York Reader, Bible and Testament, Murray's Grammar, Walker's Dictionary, Pike's Arithmetic, Adams's, Woodbridge's and Parley's Geographies.

Pocahontas.—American Primer, Webster's Spelling Book, U. S. Reader, &c.

Powhatan.—American Primer, Webster's Spelling Book, New York Readers, 1, 2 and 3, American Preceptor, Murray's Introduction, English Reader and Sequel, Murray's English Grammar, Exercises and Key, Adams's, Olney's, Cummings's and Parley's Geographies.

Randolph.—Webster's Old and New Spelling Books, Cobb's Sequel, 1, 2 and 3, English Reader, Jess's and Pike's Arithmetic.

Rappahannock.—Parley's 1st and 2nd Books, Murray's Grammar, Walker's Dictionary, Adams's Geography, &c.

Rockbridge.—Burnham's and Webster's Spelling Books, New Testament, New York Reader, 1st Book of History, Pike's and Smith's Arithmetics, Walker's Dictionary, Olney's, Smiley's, Parley's and Woodbridge's Geographies.

Rockingham.—Webster's and Comley's Spelling Books, Blair's Reading Exercises, Murray's Introduction, English Reader and Sequel, New York Reader, 1, 2 and 3, Bible, New Testament, Murray's Grammar, Walker's Dictionary, Adams's Geography, Pike's Arithmetic, &c.

Stafford.—Webster's Spelling Book, New York Reader, Pike's Arithmetic, &c.

Shenandoah.—Comley's and Webster's Spelling Books, New York Reader, 1, 2 and 3, Murray's Introduction, English Reader, Bible, Testament, Grimshaw's Histories of U. States, Rome, Greece and England, Murray's and Kirkham's Grammars, Adams's, Olney's and Parley's Geographies, Jess's, Pike's and Park's Arithmetic.

Spottsylvania.—Juvenile, New York and Universal Spelling Books, Parley's Tales, New York Reader, Testament, Walker's Dictionary, Pike's Arithmetic, &c.

Scott.—Webster's and Elementary Spelling Books, New York Readers, 1, 2 and 3, American Preceptor, Bible and Testament, Pike's, Parker's and Fowler's Arithmetic, Walker's Dictionary, Woodbridge's, Cummings's and Parley's Geographies, Murray's English Grammar, Exercise and Key.

Smyth.—Webster's and Elementary Spelling Books, American Primer, New York Readers, 1, 2 and 3, American Preceptor, Murray's Introduction, English Reader and Sequel, Woodbridge's and Peter Parley's Geographies, Grimshaw's Histories of U. States, Rome, Greece and England, Murray's Grammar, Exercise and Key, Walker's Dictionary, Jess's and Pike's Arithmetics, Gibson's Surveying, &c.

Surry.—Murray's Spelling Book, English Grammar, Bible, Testament, Scott's Lessons, Walker's Dictionary, and Pike's Arithmetic.

Sussex.—

Warren.—American Primer, Comley's and Webster's Spelling Books, U. S. Reader, American Preceptor, Murray's Grammar, Exercises and Key, Introduction, English Reader and Sequel, Bible, Testament, Walker's Dictionary, Jess's, Pike's and Park's Arithmetics, Adams's, Olney's and Parley's Geographies.

Washington.—New York, Cobb's, Union and Washington Primers, American, Emerson's, National, New York, Webster's and Elementary Spelling Books, Emerson's, English, National, New York and

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Class Readers, Parley's Tales, Testament and Bible, Pike's, Smiley's and Jess's Arithmetics, Butler's, Olney's, Smiley's and Woodbridge's Geographies, Kirkham's and Murray's Grammars.

Westmoreland.—Webster's Spelling Book, United States and New York Readers.

Wythe.—Webster's, American and Elementary Spelling Books, New York, United States and 2nd Class Readers, one Testament, Smiley's Geography, and Adams's Geography and Atlas.

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[DOC. No. 5.]

AUDITOR'S REPORT

ON THE

REVENUE LAWS.

AUDITOR'S OFFICE, 2nd December, 1839.

The general assembly, by a resolution adopted on the 5th April, 1839, directed the auditor of public accounts to prepare and lay before that body at the commencement of its present session a revision of the revenue laws of this commonwealth, with such amendments to the same as in his opinion were necessary. He was also directed to enquire into and report upon the expediency of adopting the *ad valorem* principle in the imposition of all taxes; and also to enquire into the expediency of changing the mode of compensating commissioners of the revenue, and attorneys for the commonwealth in the circuit superior courts of law and chancery.

In considering the first branch of the resolution above referred to, the auditor experienced some difficulty in determining the precise meaning and extent of the terms "revenue laws." Allowing those terms the broadest construction, they might be supposed to embrace a great variety of statutes which in whole or in part have some relation to the fiscal operations of the government, but as this was obviously not the design of the legislature, it has been deemed expedient for the present at least to confine the revision to all those laws commencing with the revised acts of 1819, which relate to the mode of ascertaining the taxable property of the commonwealth, and of collecting the public revenue, including the taxes on licenses. All these various acts have been carefully collated and consolidated into the two bills numbered 1 and 2, which accompany this report. The last mentioned bill, however, contains only a single variation from the act of 1834, all the laws relating to licenses having been reduced into one at that time. To each of the bills, particularly the former, various proposed amendments are appended, in compliance with the resolution of the general assembly, which amendments, in the opinion of the auditor, are necessary in order to render the system more intelligible to the commissioners and collectors of the revenue, and more effective and uniform in its execution.

In regard to the expediency of adopting the *ad valorem* principle in the imposition of all taxes, the auditor is of opinion, from the best consideration bestowed upon the subject, that the change would be attended by much inconvenience in practice without any redeeming advantage. According to the system heretofore pursued, land and its improvements constitute the only subject upon which taxes are imposed upon the *ad valorem* principle, unless carriages be also considered an exception. In relation to the latter, however, it is believed that either from the neglect of the commissioners to make appraisements in person, or from too easy a reliance upon the owner's estimate, the specific minimum tax is assessed in a majority of cases without reference to value, and therefore operates unequally. The same consequences of inequality and injustice, it is feared, would also result if the *ad valorem* and minimum principle were applied in the taxation of slaves and horses. The valuations, if made in good faith, would be attended by considerable trouble, and it would be almost impossible, from that cause alone, to ensure a uniform and faithful execution of the law. The tax, moreover, upon slaves and horses has hitherto been, and is likely for some time to be, too inconsiderable to justify a change in the mode of its assessment. The imposition of a *specific* rate of taxation upon personal property, allowing no discretion to the commissioner or to the owner, is far more simple than an *ad valorem* assessment, is as equitable in practice if not in theory, and presents fewer temptations to perjury.

The auditor has also considered the third branch of the resolution of the general assembly, which directs an enquiry into the expediency of changing the mode of compensating commissioners of the revenue and attorneys for the commonwealth in the circuit superior courts. The existing law in relation to commissioners of the revenue, authorizes the county and corporation courts to fix a reasonable time for the performance of their duties, and to allow them a compensation at the rate of two dollars per day, not exceeding a prescribed *maximum*, which varies in different counties; and the judges of the circuit superior courts may, in like manner, allow a reasonable compensation to the attorneys prosecuting in behalf of the commonwealth, *not exceeding* one hundred

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dollars per annum. Both of these allowances are now certified to the auditor, and paid out of the treasury of the commonwealth, and it is presumed that the legislature, in directing an enquiry into the expediency of changing the mode of compensation, had reference to the substitution of some other fund or source of payment besides the common treasury of the state. The auditor is not aware of any fund other than the state treasury which could be conveniently provided for the payment of public claims, unless it be that which is raised by county and corporation levies; and from all the reflection which he can give to the subject, he does not consider it expedient to exchange the existing system for one which is certainly liable to strong objection. The office of commissioner is of vital importance to the revenue system of the state, and his direct responsibility to some central authority for the proper and faithful discharge of his duties is absolutely essential. It is extremely questionable whether this responsibility, which is now secured by a variety of enactments, would not be materially lessened if his compensation for public services should come from any other quarter than the state treasury. Though appointed by a local tribunal, and his functions restricted to a particular district, he is in every just view of the subject a state officer, and should look to the state alone for remuneration. Nor would there be any saving to the public, or gain to the tax payers of the country, by the substitution of any other plan for that which is in use. The same amount would be drawn from the pockets of the people, and the only difference would consist in the different mode of raising and disbursing the money.

The same remarks, with some qualification, might be urged against any alteration in the existing law regulating the allowances to prosecuting attorneys in the superior courts. They derive their appointments from the judges presiding in those courts, are directly accountable to them, and have very important duties to discharge in sustaining the criminal jurisprudence of the country. Is there any just reason, therefore, why their compensation should depend upon county assessments, which, without being less burthensome than state taxation, would in all probability be attended by greater delay, uncertainty and irregularity in their collection and disbursement.

All which is respectfully submitted.

JA'S E. HEATH,
Auditor of Public Accounts.

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[DOC. No. 6.]

TO THE GENERAL ASSEMBLY OF VIRGINIA.

BANK OF VIRGINIA, DECEMBER 3, 1839.

The president and directors of this institution, having resolved on the 12th of October last, that "it is expedient to suspend specie payments for the present," feel it to be their duty briefly to assign their reasons for this proceeding, to the general assembly, to whom the bank owes its corporate existence, and to whom it is amenable for its acts.

On the 29th day of May last a general meeting of the stockholders was held for the purpose of considering and deciding on the acceptance of the new charter granted by the legislature. At that meeting the individual stockholders considered the provisions of that charter so onerous, that a large majority of them preferred that the old charter should expire at the end of its term, to the acceptance of the renewal of it on the conditions it contained, but they were overruled by the preponderating vote of the treasurer, whose discretion that officer considered as taken away by the passage of the law, and thus having the charter to which they could not consent, imposed on them, they resolved to appeal through a committee to the enlightened liberality of the general assembly, for such a modification of the law as they deemed just and proper. The bank, nevertheless, proceeded forthwith to conform its operations to the requirements of the law, and gradually to reduce its outstanding debt, notwithstanding the severe pressure on the community, to the limits prescribed by the new charter. In the midst of these exertions, the sudden and unforeseen suspension of cash payments by the banking institutions of the large cities of Philadelphia and Baltimore, with which the banks of Virginia have constant intercommunication, placed the latter in a situation in which their own preservation, as well as the interest of the commonwealth and the community, required that they should yield to the painful necessity of another suspension. If the bank could have sustained itself in the unequal contest to which it was exposed, it would have been at the countless sacrifice of the commercial and producing interest of the state. It was therefore believed that neither policy nor justice exacted that the bank should attempt to call in its resources at such cost to our own people, to be prepared for the demands of brokers, or of the banks of the north which had shut their doors against retaliation. That the course adopted by this bank was not dictated by a spirit of selfishness, is shown by the heavy responsibility and risk it has encountered rather than drain and dry up the resources of the state. To the officers of the bank it has been attended with the most perplexing consequences. The very same conveyance that brought us the intelligence of the suspension on the part of the northern banks, brought also several brokers with considerable demands, who, imagining they had anticipated the news, were not disposed to receive from us any thing but coin, although they were offered checks on their own towns for their claims. It may be proper here to refer to the course of trade which necessarily throws a considerable amount of the means of the banks of Virginia into the northern banks, and which for equalizing exchanges and affording the facilities of remittances, (without the risk and expense of transporting coin,) renders it convenient that we should generally keep funds in those places. The action of the banks in Philadelphia and Baltimore was so sudden in regard to the present suspension, that the banks here had no opportunity of converting such funds, deemed, in ordinary times, equal to specie, into actual coin. The international commerce of the country requires that these connections should exist between the banks in the different states, and without them some of the most important conveniences of banks would be as completely lost here as if there were no banks in the state. Had the banks not resolved to suspend they had another danger to encounter at home. Every one knows that banks are the creatures of public confidence, and the moment it was ascertained by our own people that the large banks of the north had determined to suspend cash payments, and the means of drawing specie from them, while they could draw it from us, were denied, an alarm would have been felt lest the banks here might not be able to maintain specie payments under such circumstances, and both the holders of notes and depositors would have hastened to obtain their share of the coin in the banks, for the purpose of hoarding or of making it an article of traffic. Since the adoption of the resolution declaring the expediency of suspension, this bank has continued to supply the public liberally with change for smaller transactions, while it has received none in turn, except from officers of the United States under special agreements, and it has satisfied very many applicants with checks on New York at a lower rate than the current exchange between the two places. It has also been enabled to retain an amount of specie, which has kept the proportion between it and the circulation within the limit prescribed by the new charter, and has thus escaped a violation of the law that would have been as fatal to the charter as any other.

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Among the objections of a majority of the private stockholders to the acceptance of the new charter the most potent was that of the forfeiture clause. Their former charter contained no such provision, and yet this bank had twice suspended under the exigency of circumstances, and had twice resumed without incurring the danger of any excessive penalty. The stockholders had paid a full equivalent for the benefit of that charter until the year 1842, and they deemed it a measure of extreme severity to be deprived of their privileges without any consideration by the power of the state vote. They could gradually have wound up their concerns and made good more than their capital. They may now owe their corporate existence entirely to the sufferance and bounty of the legislature, and they would infinitely have preferred that the charter had been made repealable at the pleasure of the general assembly, rather than be subject to the inconvenience and possible loss to which they are liable under the penalty of forfeiture, which embarrasses the regular operation of the institution, and which may most probably happen while the legislature is not in session to relieve them from difficulty. That the banks must be exposed to such occurrences under the present organization of the banking system of the United States, and under the principles on which they have been conducted is obvious to those who are practically engaged in the management of them. While such establishments are so multiplied in the United States, and each is endeavouring to become as profitable as possible, the paramount object of their creation is overlooked. The great design in establishing banks is to promote agriculture, commerce and manufactures by temporary and moderate advances of their credit in aid of individual capital and enterprise. They are not intended to furnish capital to buy land, to build ships, or to erect factories—but to supply the facilities necessary to the exchanges of the products of these cardinal branches of industry, and in performing that function they should be careful to avoid any excess that may lead to a deterioration of the currency of the country. The injury which the country sustains from the present course of banking is attributable in a great measure to the practice of extending loans in seasons of a favourable balance of trade, and in reducing them in times of an adverse current, instead of keeping up a steady and nearly uniform amount of discounts. This may be a safe and judicious policy in a private commercial house, but banks are public institutions endued with the privilege of adding to the currency of the country, and have other functions to perform than that of making profit. When specie is flowing into the country for our surplus products the banks become stronger and are tempted to expand, which encourages speculation and extravagance, as well as useful enterprise, and when the tide turns they are not prepared for the drains that follow, and are compelled to resort to curtailments when their debtors are least able to bear them. Business of all kinds then flags—failures follow, and the banks themselves are exposed to the necessity of suspension. The great reproach of the system, excessive expansions and ruinous contractions, might be avoided by husbanding the means afforded in good times to give relief in times less prosperous. The banks would not be so profitable, but the currency would be kept more equable and the domestic exchanges more uniform. How this reform is to be brought about among hundreds of banks established under different laws, it is very difficult to determine. A voluntary change of the system by the banks themselves would accomplish this desirable end, but doubtless legislative control would in some cases be requisite.

Under the prevalent course of banking in the United States, there is always danger that suspension in one quarter will produce a similar effect in others, unless indeed some happy circumstance shall cause a decided balance of trade in favour of the latter, as was the case with the New England states during the last war, and is now the case with New York and Boston. In Virginia we can seldom expect such advantages. Like some other producing states we have within the last few years, owing to the failure of crops, consumed more of foreign manufactures than our surplus produce would pay for, and the balance against us has been liquidated by the loans of the state taken abroad (in other words by borrowing), and by the disposal of much of our labouring capital to the cotton and sugar planters of the south. Both these resources are now cut off or greatly reduced, and we have to rely entirely on our own industry and economy for protection. Happily, the crops of the present year are unusually abundant, and our surplus products may speedily give relief to the country, and may enable the banks to resume their cash payments without any coercive measures on the part of the general assembly. But still unless the banking operations of the United States be modified by general consent, or some other way, there can be no permanent security for keeping the circulating medium of the country in a sound condition. The experience of the banks of late years, and a due regard for their own interest, and even for their being, it may be rationally hoped, will be adequate to induce them so to limit their operations as to render all severe restrictions and penalties of law unnecessary. That the banks of Virginia would have maintained specie payments had not the great institutions in the neighbouring states suspended, there is no question, and it is for the wisdom of the general assembly to decide whether under the circumstances of the case they were justified in the measure they adopted. If for the reasons assigned, it be decided affirmatively, they look with confidence to the legislature for relief from the penalties to which they may be liable. This bank will cheerfully abide the fate common to the other institutions of the state, but it may not be improper to observe that there are two circumstances attending this bank which present peculiar claims of the private stockholders to the consideration and favour of the general assembly. 1st. That the present charter, with its excessive penalties, was forced on them by the power of the state vote, against the assent of a majority of the private stockholders; and 2ndly. That half a million of the capital, also contrary to the will of the greater portion of them, was subscribed

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by a similar power, to the stock of the James river and Kanawha company, which must, from the nature of things, continue unproductive for several years. That great work, the most important and useful that can be devised to increase the wealth and population of the commonwealth, it is admitted would not have been commenced without the contribution of this bank, and it is now alluded to, to shew that the bank, doing the same business it has done, would, without that subscription, have had half a million less of circulation to redeem than it now has. The committee appointed by the stockholders to ask an amelioration of the provisions of the charter, have deemed it unnecessary to approach the general assembly for that purpose until your honourable body shall have determined whether it will afford such relief from the penalties imposed by the "act establishing general regulations for the incorporation of banks," as will enable the banks of the state to proceed with their ordinary business. A statement exhibiting the condition of this bank and its branches on the 1st instant, is now in the course of preparation, and will be ready for the examination of the general assembly within a few days.

Respectfully submitted.

JOHN BROCKENBROUGH, *President.*

[DOC. No. 7.]

BANK STATEMENTS.

EXECUTIVE DEPARTMENT, DECEMBER 4, 1839.

SIR,

I transmit herewith statements shewing the condition of the Bank of the Valley on the 18th of October and 23d November last, and a quarterly statement of the condition of the Exchange bank on the 1st day of October last, for the information of the general assembly.

I am, very respectfully,

Your obedient servant,

DAVID CAMPBELL.

To the honourable the Speaker of the House of Delegates.

CONDITION OF THE BANK OF THE VALLEY IN VIRGINIA.

BANK OF THE VALLEY IN VIRGINIA,
WINCHESTER, November 26, 1839.

His Excellency DAVID CAMPBELL,
Governor of Virginia.

DEAR SIR,

You will receive herewith for the information of the legislature, statements shewing the condition of this bank on the 18th ult. and 23d inst.

Very respectfully,

Your ob't servant,

H. M. BRENT, *Cash'r.*

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State of the BANK OF THE VALLEY in Virginia, including its Offices of Discount and Deposite October 18, 1839.

Specie,			258,638 11	Capital stock (old),		690,000 00	
Notes of banks "incorporated by the state,"			22,330 25	Capital stock (new),		370,000 00	
Notes of banks "incorporated elsewhere,"			88,739 62				1,060,000 00
Due from other banks,			212,614 75	Notes in circulation:			
Notes discounted,			1,499,982 90	In notes of $100 each,		61,300 00	
Inland bills discounted,			299,321 07	In notes of 50 "		87,500 00	
Bond accompt,			6,418 85	In notes of 20 "		554,700 00	
Stock,			15,000 00	In notes of 10 "		261,760 00	
Real estate—4 banking houses,			36,137 93	In notes of 5 "		132,577 50	
Real estate purchased to secure debt,			1,047 50	In notes of 2 "		10,380 00	
Bad debts,		5,390 51		In notes of 1 "		5,897 00	
Doubtful debts,		8,453 49					1,114,114 50
		13,844 00		Due to other banks,			15,637 80
				Discount,			27,959 19
				Contingent fund,			12,571 89
				Deposit money,			209,947 60
			$2,440,230 98				$2,440,230 98

VIRGINIA, *Frederick County, to wit:*

This day personally appeared before the subscriber a justice of the peace in and for the county aforesaid, HENRY M. BRENT, cashier of the Bank of the Valley in Virginia, and made oath that the foregoing statement exhibits a true state of the said bank on the 18th day of October 1839 to the best of his knowledge and belief.

Given under my hand this 14th day of November 1839.

THO'S CRAMER.

OBED WAITE, *Pres't.*
A. S. BALDWIN,
D. W. BARTON,
T. A. TIDBALL,
JOHN MILLER,
DANIEL GOLD,
JACOB BAKER.

State of the BANK OF THE VALLEY in Virginia, including its Offices of Discount and Deposite November 23, 1839.

Specie,			258,484 95	Capital stock (old),		690,000 00	
Notes of banks "incorporated by the state,"			51,420 59	Capital stock (new),		370,000 00	
Notes of banks "incorporated elsewhere,"			101,913 59				1,060,000 00
Due from other banks,			217,032 13	Notes in circulation:			
Notes discounted,			1,386,888 19	In notes of $100 each,		49,400 00	
Inland bills discounted,			153,690 77	In notes of 50 "		70,750 00	
Bond accompt,			6,418 85	In notes of 20 "		476,380 00	
Stock,			15,000 00	In notes of 10 "		232,380 00	
Real estate—4 banking houses,			36,137 93	In notes of 5 "		121,735 00	
Real estate purchased to secure debt,			1,047 50	In notes of 2 "		10,298 00	
Bad debts,		5,390 51		In notes of 1 "		5,879 00	
Doubtful debts,		8,453 49					966,822 00
		13,844 00		Due to other banks,			17,482 12
				Discount,			27,966 65
				Contingent fund,			12,571 89
				Deposit money,			143,191 84
			$2,228,034 50				$2,228,034 50

VIRGINIA, *Frederick County, set:*

This day personally appeared before the subscriber a justice of the peace in and for the county aforesaid, HENRY M. BRENT, cashier of the Bank of the Valley in Virginia, and made oath that the foregoing statement exhibits a true state of the said bank on the 23d day of November 1839 to the best of his knowledge and belief.

Given under my hand this 26th day of November 1839.

CH. H. CLARK.

OBED WAITE, *Pres't.*
A. S. BALDWIN,
D. W. BARTON,
T. A. TIDBALL,
JOHN MILLER,
DANIEL GOLD,
JACOB BAKER.

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CONDITION OF THE EXCHANGE BANK OF VIRGINIA.

EXCHANGE BANK OF VIRGINIA, October 21, 1839.

SIR,

In compliance with the provisions of law I herewith hand you a quarterly statement of the condition of this bank.

Respectfully yours,

W. SOUTHGATE, *Cashier.*

To his Excellency David Campbell, *Governor of Virginia.*

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GENERAL STATEMENT of the Condition of the EXCHANGE

	Loans in	Local notes and bills.	Domestic bills.		
At Exchange Bank,	- -	506,327 76	108,786 76	615,114 52	
office, Richmond,	- -	354,067 78	266,640 57	620,708 35	
" Petersburg,	- -	373,864 61	220,864 34	594,728 95	
" Clarkesville,	- -	194,282 13	111,786 34	306,068 47	
		1,428,542 28	708,078 01		2,136,620 29
On personal security,	- - - - -			1,846,945 22	
Personal security and stock pledged,	- - -			262,345 07	
Do. do. and deeds of trust,	- - -			27,330 00	
Suspended debt at office, Richmond,	- - - -				7,565 86
Stock issued by the commonwealth of Virginia,	- - -				289,500 00
Due from other banks, in account,	- - - -			49,288 23	
Do. do. in notes of Virginia banks,	- -			50,297 00	
Do. do. do. banks elsewhere,	- -			77,936 00	
					177,521 23
			2,611,207 38		
Real estate at Exchange Bank,	- - - -			15,750 64	
Do. at office, Petersburg,	- - - -			6,617 99	
Do. do. Clarkesville,	- - - -			8,084 67	
					30,453 30
Specie at Exchange Bank,	- - - -			69,362 73	
Do. office, Richmond,	- - - -			75,040 07	
Do. do. Petersburg,	- - - -			68,395 88	
Do. do. Clarkesville,	- - - -			56,905 51	
					269,704 19
Do. in gold,	- - - -		207,140 64		
Do. in silver,	- - - -		62,563 55		
Expenses at Exchange Bank and branches, viz:					
Exchange Bank, since 30th June last,			- -	3,114 33	
Office, Richmond, since 31st May last,			- -	3,601 25	
Office, Petersburg, do. do.			- -	2,622 96	
Office, Clarkesville, do. do.			- -	1,446 65	
					10,785 19
					$2,922,150 06

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BANK OF VIRGINIA AND BRANCHES, on the 30th September 1839.

Capital stock, viz:					
Subscribed by the commonwealth of Virginia	9000 shares, amount,			900,000 00	
Do. by individuals,	8488	do.	do.	848,800 00	
Whole number of shares,	17488	do.	do.	1,748,800 00	
Remaining unpaid, viz:					
By the commonwealth	1550 shares,	155,000 00			
By individuals on	167 do.	10,687 19			
				165,687 19	
Paid in,				1,583,112 81	
Bonus No. 1 and 2,			5918 18		
Dividend No. 1,			75 15		
				5,993 33	
					1,589,106 14
Distribution, viz: at office, Richmond,			400,000 00		
Do. Petersburg,			400,000 00		
Do. Clarkesville,			160,000 00		
Remaining at Exchange Bank,			629,106 14		
Circulation, viz:					
At the Exchange Bank,				146,490 00	
Office, Richmond,				226,620 00	
Do. Petersburg,				281,110 00	
Do. Clarkesville,				199,940 00	
					853,160 00
Due to other banks in account,					100,364 29
Dividends unclaimed,				2,073 50	
Individual deposits, viz:					
At Exchange Bank,			71,663 17		
Office, Richmond,			122,530 84		
Do. Petersburg,			84,203 31		
Do. Clarkesville,			23,523 99		
				301,821 31	
					303,894 81
		1,257,419 10			
Balances in account of Exchange Bank and branches,					7,543 14
Contingent fund,					24,574 53
Discount and interest at Exchange Bank and branches, viz:					
At Exchange Bank since 30th June last,				9,216 61	
Office, Richmond, since 31st May last,				12,448 81	
Do. Petersburg, do. do.				11,720 78	
Do. Clarkesville, do. do.				5,541 23	
					38,927 43
Exchange at Exchange Bank and branches, as per account annexed,					4,579 72
					$2,922,150 06

JOHN SOUTHGATE, *President pro tem.*
W. SOUTHGATE, *Cashier.*

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RETURN REQUIRED BY LAW.

1. Amount of capital stock actually paid in,						1,683,112 81	
And additional stock, bonus,						5,918 18	
							1,689,030 99
2. Value of real estate, cost,							30,463 30
3. Amount of stock subscribed, 17488 shares,						1,748,800 00	
Remaining unpaid on 1717 do.						165,687 19	
							1,583,112 81
4. Total amount of debts due to the bank,							2,611,207 38
5. Total amount of debts due from the bank, independently of the stockholders,							1,257,419 10
6. Exchange will appear in the account annexed.							
7. Bad and doubtful debts, at the Richmond office,							7,565 86
8. Amount of gold and silver coin, say, gold,						207,140 64	
silver,						62,563 55	
							269,704 19
9. Amount of money deposited,							303,894 81
10. Amount of bills in circulation,							863,160 00
Viz: in	100's.	50's.	20's.	15's.	10's.		
At Exchange Bank,	308	654	1629	1106	3382	146,490 00	
Richmond office,	660	920	2267	1836	4074	225,620 00	
Petersburg do.	940	1280	2275	2562	3918	281,110 00	
Clarkesville do.	827	888	1381	1640	2062	199,940 00	
	2735	3742	7552	7144	13436		
11. Bills on hand of banks incorporated by the state,							50,297 00
12. Do. do. do. elsewhere,							77,936 00
13. Rate and amount of the last dividend of profits, 2d July 1839,							
On 12191 shares at $3,						36,573 00	
On 2950 do. paid for by the commonwealth 29th May, in proportion,						1,570 16	
And on $2,732 75 additional stock, last bonus, do.						81 98	
						38,225 14	
Less bonus to the state,						3,185 43	
Nett dividend at $2 75 per share,						35,039 71	
14. Surplus or contingent fund,							24,574 53

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EXCHANGE ACCOUNT.

At Exchange bank:			
Since 30th June last,			
On $8608 70 northern funds at ½ per cent.,		43 02	
5395 01 do. do. ⅝ do.		20 23	
7917 20 do. do. ¼ do.		19 78	
Balance 30th September 1839, - -		1354 67	
		1437 70	
At Exchange Bank:			
Since 30th June last,			
On 56819 93 northern funds at ½ per cent., - -	284 10		
On 66416 49 do. at ¾ do. -	498 19		
7918 89 do. 1 do. -	79 19		
1365 86 southern funds at 1 per cent., - -	13 64		
2640 00 do. at 1½ do.	39 59		
2200 00 do. 2½ do.	46 75		
4600 00 do. 4½ do.	207 00		
5000 00 do. 5 do.	250 00		
Damages recovered, - -	19 24		
	1437 70		1354 67
At Richmond:			
Since 30th June last,			
Purchased 102867 90 in checks, drafts and northern bank notes from ¼ to 1 per cent.,		679 25	
Purchased 184918 89 in foreign exchange, which has left a loss of - -		64 96	
Balance 30th September 1839, - -		2181 56	
		2925 77	
At Richmond:			
Since 31st May last,			
Balance on 30th June last, -	511 36		
Received on 362460 68 in checks and northern bank notes from ¼ to 1 per cent, - -	2414 41		
	2925 77		2181 56
At Petersburg:			
Since 30th June last,			
On 13335 59 northern funds at ½ per cent.,		66 67	
Balance 30th September 1839, - -		1024 57	
		1091 24	
At Petersburg:			
Since 31st May last,			
Balance on 30th June last, -	4 02		
On 6162 00 northern funds at 1 per cent., - -	61 62		
On 73018 51 do. do. ¾ do.	547 96		
44770 53 do. do. ½ do.	224 13		
14735 00 do. do. ¼ do.	36 84		
Profit on sterling, - -	216 67		
	1091 24		1024 57
At Clarkesville:			
Since 31st May last,			
Balance on 30th June last, - -		4 74	
On 4200 northern funds at ½ per cent., -		21 00	
1600 do. do. ¼ do. -		4 00	
Balance 30th September 1839, - -		18 92	
		48 66	
At Clarkesville:			
Since 30th June last,			
On 1275 89 northern funds at 1¼ per cent., - -	16 00		
On 2014 90 do. do. ¾ do.	22 66		
2000 00 do. do. ½ do.	10 00		
	48 66		18 92
Amount in general statement,			$4579 72

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We the subscribers, directors of the Exchange Bank of Virginia have examined the aforegoing account and statements, and certify that they exhibit an accurate and just statement of the condition of the bank as it existed on the 1st day of October 1839.

JNO. SOUTHGATE,	RICHARD DICKSON,
GEORGE M'INTOSH,	GEO. WILSON,
W. J. HARDY,	THOMAS F. ANDREWS,
SAM'L W. PAUL,	JAMES CORNICK.

Norfolk Borough, *To wit:*

This day personally appeared before me an alderman of said borough, Wright Southgate, cashier of the Exchange Bank of Virginia, who made oath that the annexed statements contain an accurate and just account of the state and condition of said bank as it existed on the 1st day of October 1839.

Given under my hand this 21st day of October 1839.

JOHN P. LEIGH, *J. P.*

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[DOC. No. 8.]

ABSTRACT

FROM THE

REPORTS OF THE CLERKS

OF THE

COURT OF APPEALS

AND OF THE

CIRCUIT SUPERIOR COURTS OF LAW AND CHANCERY,

For the Year ending the 30th August 1839.

CLERK'S OFFICE, DECEMBER 3d, 1839.

SIR,

In obedience to an act of assembly, I herewith report an abstract from the reports of the clerks of the court of appeals and of the circuit superior courts of law and chancery, exhibiting the actual state of the suits instituted within their respective courts, and the number of days the courts were in session during the year ending the 30th of August last.

No reports have been received from the clerks of the courts of Culpeper and Nicholas counties.

I am very respectfully,

Yours, &c.

GEORGE W. MUNFORD, *C. H. D.*

The honourable the Speaker of the House of Delegates.

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ABSTRACT FROM THE REPORTS

OF THE

CLERKS OF THE COURT OF APPEALS

AND OF THE

CIRCUIT SUPERIOR COURTS OF LAW AND CHANCERY,

For the year ending 30th August 1839.

COURT OF APPEALS.

Judges.	Clerks.	Location of Court.	Suits commenced.	Pending.	Decided.	No. of days in session.	REMARKS.
Henry Saint George Tucker, *President*, Francis T. Brooke, William H. Cabell, Richard E. Parker, Robert Stanard,	Joseph Allen,	Richmond,	98	446	53	138	The court commenced its session on the first day of November 1838, and adjourned on the third day of May 1839, comprising 138 judicial days and 22 Sundays, having had within that time two recesses, one of 18 days and the other of 6 days.
	John A. North,	Lewisburg,	35	-	28	24	The clerk of the court at Lewisburg omitted to state the number of suits pending.

CIRCUIT SUPERIOR COURTS OF LAW AND CHANCERY.

Districts.	Circuits	Judges.	Clerks.	Counties.	Suits at Law.				Causes in Chancery.					Prosecutions.					Terms. Days in Session.			REMARKS.
					No. commenced.	No. pending	No. decided.	No. removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from county courts	No. commenced.	No. pending.	No. decided.	No. nolle prosequi.	Change of venue.	Fall.	Spring	Total.	
1st,	1st,	Richard H. Baker,	L. R. Edwards,	Southampton,	127	78	105	-	8	27	23	8	2	9	11	8	-	-	7	6	13	
			William Blow,	Greensville,	39	28	22	-	3	37	13	3	4	12	10	3	-	-	4	4	8	Two appeals at law from county court.
			Wm. P. Underwood,	Surry,	26	17	24	-	4	24	25	2	1	3	6	3	1	-	3	2	5	Of the 34 suits decided at law, 11 were forthcoming bonds.
			Nathaniel Young,	Isle of Wight,	45	26	37	-	5	8	6	4	-	11	12	16	-	-	3	2	5	There have been 17 judgments on notices not comprised under either of these heads.
			Joseph Prentis,	Nansemond,	66	28	55	-	9	16	8	4	-	5	10	12	-	-	5	4	9	
			J. J. Burroughs,	Princess Anne,	34	29	62	-	1	13	1	3	-	1	1	1	-	-	3	2	5	Under the head of suits at law decided, all motions made by securities for money paid by their principals are included, also all judgments on forthcoming bonds and dismissions at rules.
	2d,	John Y. Mason,	John Williams,	Norfolk borough,	217	125	197	1	28	60	14	25	-	12	2	10	2	-	8	12	20	
			Wm. H. Wilson,	Norfolk county,	214	65	154	-	12	44	12	11	-	17	21	14	2	-	14	8	22	
			John P. Crump,	Dinwiddie,	42	45	76	-	5	24	9	10	3	2	5	4	1	-	4	3	7	
			F. Fitzgerald,	Nottoway,	52	37	63	-	16	37	19	11	-	1	3	6	4	-	3	3	6	Motions on delivery bonds and of securities against their principals not embraced.
			Egbert G. Leigh,	Amelia,	51	86	69	-	9	30	9	7	-	1	2	-	-	-	2½	2	4½	Of the suits at law commenced all

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			R. Turnbull,	Brunswick,	92	50	81	-	5	20	17	22	-	7	8	9	5	1	5	6	11	
			L. Lanier,	Sussex,	38	24	34	-	7	21	12	9	1	-	-	1	-	-	3	2	5	Two chancery causes removed to other courts.
			Robert Gilliam,	Prince George,	48	34	25	3	3	9	4	2	1	14	13	1	1	-	2	2	4	
			H. B. Gaines,	Petersburg,	156	194	176	1	16	89	29	18	2	14	4	10	-	-	17	17	34	The only remark I have to make is that according to what I conceive to be a just and fair interpretation of the middle clause of the 9th article of our bill of rights it would be cruel and unjust to inflict the fine imposed by the law passed in relation to the duty of making this report, especially as no compensation whatever is thereby allowed, and that the law reminds me of the imposition laid by the Egyptians upon the Israelites of old who were compelled to make brick and find their own straw.
2d,	3d,	Abel P. Upshur,	Ro. W. Christian,	Charles City,	39	33	53	-	1	17	7	5	-	-	-	-	-	-	3	4	7	Suits and causes at rules not included in those pending.
			Thos. O. Cogbill,	James City and Williamsburg,	78	102	83	-	10	197	23	22	-	-	-	1	1	-	8	4	12	
			Samuel Sheild,	York,	40	20	38	-	6	18	-	1	-	3	8	6	1	-	-	5	7	No fall term in 1838 but a special term was held on the 23d and 24th of January 1839 by judge Christian. One supersedeas to a judgment of York county court reversed at April term 1839, and seven judgments on forthcoming bonds rendered within the twelve months.
			Wm. Robertson,	Warwick,	20	24	23	-	4	11	8	5	-	-	2	-	-	-	2	3	5	
			W. Armistead,	Elizabeth City,	48	16	57	-	6	19	4	6	-	11	7	13	-	-	3	4	7	The fall term of the court was not held at its regular session in consequence of the indisposition of the judge. A special term thereof was held in January 1839.
			N. J. Winder,	Northampton,	27	17	21	-	6	23	5	7	2	7	4	3	-	-	2	5	7	
			Tho. R. Joynes,	Accomack,	51	103	55	-	22	100	28	12	8	9	34	8	1	-	5	4	9	
	4th,	J. B. Christian,	Robert Pollard,	King William,	105	53	130	-	10	39	6	11	2	3	9	1	1	-	6	6	12	At the spring term of 1839 the election of members to the legislature and to congress commenced on the fourth day of the court and continued until the close of the term, consequently there was but little court business done on those three days.
			John D. Christian,	New Kent,	11	13	10	-	6	12	7	3	-	-	1	-	1	-	3	3	6	
			Robert Pollard, jr.,	King and Queen,	87	41	92	-	12	24	2	7	-	4	4	-	-	-	4	4	8	One chancery cause removed to Charles City.
			Jas. Roy Macon, jr.	Essex,	71	51	70	-	5	39	7	9	5	3	5	8	-	-	5	3	8	The number decided at law embraces all motions on forthcoming bonds, motions for money paid as security and office judgments confirmed. The number of final decrees embraces all dismissions and one judgment on forthcoming

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Districts.	Circuits.	Judges.	Clerks.	Counties.	Suits at Law.				Causes in Chancery.					Prosecutions.					Terms. Days in Session.			REMARKS.
					No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from county courts.	No. commenced.	No pending.	No. decided.	No. nolle prosequi.	Change of venue.	Fall.	Spring.	Total.	
																						bond. Two of the final decrees were final as to part of the subject in controversy, and interlocutory as to other matters involved. No orders of revivor, &c. changing the names of parties only have been entered as interlocutory decrees. Presentments for misdemeanours, *scire facias* on criminal recognizances and on recognizances of witnesses in criminal cases are only noticed. No rules against witnesses in commonwealth's presentments nor against grand jurors are entered, not being deemed within the provisions of the act. One of those entered as being decided was a joint prosecution on a criminal recognizance, judgment being entered against one party and an *alias scire facias* against the other, which is still pending.
			Geo. T. R. Healy,	Middlesex,	38	46	25	-	10	29	7	8	1	-	3	7	-	-	2	3	5	
			John R. Cary,	Gloucester,	58	54	81	-	24	59	12	30	-	3	3	2	-	-	6	6	12	The number of suits and causes pending is the number pending at the time of making out the report on the court and rule dockets (October 1834.) The number decided at law and the number of final decrees in chancery includes dismissions at rules. The number of interlocutory decrees includes decrees for accounts. The prosecutions are presentments of the grand jury.
			Shepard G. Miller,	Mathews,	36	35	27	-	8	29	2	3	2	5	5	2	-	-	4	3	7	
3d,	5th,	John T. Lomax,	Benj. M. Walker,	Lancaster,	26	7	22	3	3	10	1	-	-	-	2	-	4	-	2	1	3	The suits removed from other courts were removed previous to this year, but decided within the period comprehended in this report. The term called spring was a special term held in June.
			T. A. M. Leland,	Northumberland,	32	8	40	-	1	12	5	1	-	-	3	3	-	-	2	2	4	Motions on forthcoming bonds not being considered original suits (to which it is supposed the acts of the legislature on this subject have reference) are not included in this list.
			George Saunders,	Richmond county,	104	76	118	1	4	22	5	8	4	4	9	1	-	-	4	3	7	
			William Hutt,	Westmoreland,	87	71	108	-	2	25	6	7	1	5	4	7	-	-	3	3	6	Among suits at law determined and final decrees in chancery are included several dismissions at rules. Motions are omitted, it being supposed they are not contemplated by the law; one chancery suit has been removed from the circuit superior court of Spottsylvania,

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			S. J. S. Brown,	King George,	49	37	75	1	1	10	1	2	-	1	2	4	1	-	2	4	6	included in the column of suits commenced.
			Robert Hudgin,	Caroline,	175	26	203	2	12	61	15	9	2	6	14	2	2	-	5	6	11	Of the number of suits commenced at law fifty-six were forthcoming bonds. Of the fourteen prosecutions pending seven are proceedings to outlawry.
			J. J. Chew,	Spottsylvania,	191	44	184	1	22	427	35	34	1	8	11	4	-	-	22	26	48	The same remark made in my former report in reference to the number of suits pending in chancery applies also to this report. (See journal 1839, document No. 9.)
	6th,	John Scott,	William F. Philips,	Fauquier,	226	181	259	3	40	187	139	45	8	7	6	5	3	-	11	11	22	Ninety motions on forthcoming bonds and six other motions at law—and 8 motions on forthcoming bonds in chancery not included in the foregoing statement. All chancery orders which did not end suits, regarded as interlocutory decrees.
			W. A. Powell,	Loudoun,	178	100	246	6	29	107	34	43	1	4	20	7	4	-	5	6	11	In the number of prosecutions decided the *nolle prosequis* are included.
			J. H. Reid,	Prince William,	110	138	112	-	6	76	8	7	-	6	13	4	1	-	2	3	5	
			J. D. Richardson,	Fairfax,	79	77	99	-	26	83	82	17	2	2	-	2	3	-	5	5	10	
			W. H. Conway,	Stafford,	90	31	53	-	5	22	3	6	-	8	-	14	3	-	3	3	6	
	4th,	7th, John B. Clopton,	Parke Poindexter,	Chesterfield,	80	127	96	2	5	50	12	3	-	5	16	4	-	-	9	14	23	Two chancery causes were removed from the circuit superior court of Henrico and city of Richmond and one chancery cause was removed from this court to the circuit superior court of Petersburg.
			William S. Dance,	Powhatan,	75	72	72	-	8	40	19	7	1	4	3	2	-	-	4	4	8	One suit at law has been removed to Chesterfield circuit court and two suits in chancery have been removed to this court from the circuit court of Henrico and the city of Richmond.
			W. Miller,	Goochland,	106	157	117	1	7	68	5	5	-	5	11	2	-	-	6	5	11	
			Philip B. Winston,	Hanover,	96	198	73	4	16	110	25	21	-	2	4	7	-	-	14	4	18	Of the suits at law commenced within the year ending the 30th day of August 1839 and those pending before, sixteen have been dismissed at the rules. Of the chancery causes commenced within the year two have been dismissed at rules; and of those pending prior to that time, one has been removed to the circuit court of Henrico and city of Richmond.
	21st,	Philip N. Nicholas,	John Robinson,	Henrico and city of Richmond,	317	502	339	4	113	1718	130	[illegible]	3	16	12	40	2	-	138	54	192	Among the suits at law commenced ten writs of *scire facias* reviving judgments are included. Among the causes in chancery commenced four writs of *scire facias* reviving decrees are included. The number of final decrees includes such suits as were dismissed agreed in term, or for want of security for costs. The number of prosecutions decided includes two abatements by death.
	8th,	William Daniel, (dead.)	John Daniel,	Cumberland,	91	34	91	-	16	56	11	11	3	5	8	3	4	-	5	4	9	Injunctions, office judgments and dismissions are included.
			Rolfe Eldridge,	Buckingham,	263	148	234	-	32	76	9	13	7	15	7	12	3	-	11	9	20	
			John D. Alexander,	Campbell,	163	99	161	-	35	36	9	5	4	6	11	10	1	-	6	9	15	The number of suits pending embraces only such as are placed upon the court docket and set for

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Districts.	Circuits.	Judges.	Clerks.	Counties.	Suits at Law.				Causes in Chancery.					Prosecutions.					Terms. Days in Session.			Remarks.
					No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from county courts.	No. commenced.	No. pending.	No. decided.	No. nolle prosequis.	Change of venue.	Fall.	Spring.	Total.	
			Jos. Wilson,	Bedford,	175	134	177	-	24	169	27	40	15	5	6	2	1	-	12	10	22	hearing, and not the causes pending at rules; and the number decided includes all suits dismissed as well as those in which judgments were rendered. Of suits on the law docket pending 71 were at rules and 63 remaining on the court docket at the spring term 1838. Of chancery causes 104 were at rules—65 on the court docket for trial. Judgments on delivery bonds are not included in this list: of these there were 48. An intermediate term was held in the fall of 1838.
5th,	9th,	William Leigh,	David Rodes,	Lynchburg,	66	90	86	2	16	359	62	36	2	10	3	13	4	-	17	24	41	
			William Holt,	Halifax,	138	107	153	-	25	80	15	18	2	46	54	28	23	-	9	10	19	
			Winslow Robinson,	Charlotte,	118	61	117	-	5	24	11	17	-	3	4	1	1	1	4	6	10	
			B. J. Worsham,	Prince Edward,	87	56	123	1	11	49	21	10	3	1	1	3	-	-	4	2	6	
			Wm. H. Taylor,	Lunenburg,	85	56	53	-	5	22	8	6	3	3	8	3	-	-	3	3	6	
			J. J. Daly,	Mecklenburg,	191	98	214	-	11	65	48	15	2	6	11	12	1	-	7	7	14	
	10th,	Fleming Saunders,	M. Sandefur,	Floyd,	23	30	11	-	5	9	-	4	-	6	37	6	6	-	3	3	6	Five of the prosecutions depending are against felons who escaped by breaking jail: and the *nolle prosequis* were entered (except two) against persons who had left the state permanently.
			A. Staples,	Patrick,	53	42	57	-	7	23	4	7	3	13	19	6	1	-	5	6	11	In the number of suits decided, those dismissed and also judgments on forfeited forthcoming bonds are included, though there are but few of either.
			Anthony M. Dupuy,	Henry,	32	37	64	-	3	40	20	6	4	8	14	8	1	-	4	3	7	There were also 14 judgments on forfeited forthcoming bonds not included in this report.
			C. Tate,	Franklin,	101	80	93	-	18	56	6	18	5	37	36	14	7	-	11	4	15	There were 19 judgments on forthcoming bonds at the fall term of 1838 and 11 at the spring term 1839, which are not included in the number of suits decided at law. There were also 8 chancery causes removed to other courts for trial which are not included in the number of chancery causes decided. There was also one prisoner tried for felony at the spring term. There was an adjourned court of the fall term held in Feb 1839 which continued 5 days and is included in the fall term. Sixty of the number of suits at law decided were office judgments, to which there was no defence.
			W. H. Tunstall,	Pittsylvania,	199	357	254	-	19	114	10	17	5	25	56	15	5	-	7	17	24	The number of suits pending both at law and in chancery embraces all causes whether on the issue or

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6th,	11th,	Richard H. Field,	Abra. Shepherd, jr.	Fluvanna,	105	74	87	1	13	22	4	15	2	4	4	-	5	-	6	6	12	rule docket. The number of decisions includes office judgments as well on motions on delivery bonds and all other causes actually decided by the court. Under prosecutions are included rules against grand jurors, witnesses, &c.
			John Hunter,	Louisa,	67	74	64	-	10	37	8	11	3	3	2	4	1	-	5	4	9	Of the number of suits decided at law 44 were office judgments. There were also 10 motions commenced and decided, and 8 dismissions entered in court and 16 at rules. Five chancery causes have been dismissed, two in court and three at rules.
			Reynolds Chapman,	Orange,	95	94	118	-	10	42	7	10	4	3	6	1	-	-	4	4	8	
			P. S. Fry,	Greene,	4	6	7	-	2	2	1	-	-	6	1	5	-	-	1	4	5	
			Belfield Cave,	Madison,	26	40	23	-	9	12	6	5	-	1	1	-	-	-	2	2	4	
			W. J. Menefee,	Culpeper, Rappahannock,	25	28	40	-	8	23	8	6	-	16	11	12	1	-	3	7	10	
	12th,	Lucas P. Thompson,	Robert Tinsley,	Amherst,	216	156	269	6	39	201	85	40	6	5	8	7	-	-	11	9	20	
			Saml. M'D. Reid,	Rockbridge,	152	129	180	1	23	84	14	18	3	10	13	3	-	-	6	8	14	In addition there were 55 judgments on forthcoming bonds and many of the chancery causes pending have been substantially decided.
			Ro. C. Cutler,	Nelson,	114	108	206	-	36	83	68	14	3	2	5	14	-	-	7	6	13	The fall term commenced on Saturday the 29th September 1838, and a Sunday intervened in the term. The April term of said court for 1839 commenced on Monday the 29th of the same month, and continued for the week. With all due deference I would suggest that the law under which I am compelled to make out this report, is unjust, because the legislature almost yearly adds extra duties to the clerks without adding to their public allowance—which allowance is small at most. If the legislature are dissatisfied with the clerks of the respective courts, let them make us salaried officers, do away with the tax on law process, receive the amount of the clerks' fees from the sheriff of each county, to be paid into the treasury, appointing some suitable person or persons to examine and certify the list of insolvents, the balance to be paid into the treasury, subject to the sheriff's commission.
			Alex. Garrett,	Albemarle,	112	151	160	-	10	78	18	27	8	26	32	8	1	-	6	8	14	
			Nicholas C. Kinney,	Augusta,	140	182	189	1	50	316	69	38	-	14	22	7	-	-	19	11	30	
7th,	13th,	Isaac R. Douglass,	Robert T. Brown,	Jefferson,	241	271	367	-	28	197	120	46	-	2	6	3	5	-	20	19	39	
			John Strother,	Berkeley,	133	112	79	1	24	90	-	21	1	5	10	5	-	-	6	6	12	This report includes scire facias' but not forthcoming bonds.
			Jacob Reichard,	Morgan,	22	17	18	-	4	12	6	2	-	5	12	9	-	-	2	2	4	
			John B. White,	Hampshire,	60	87	99	-	16	130	33	28	2	5	9	2	1	-	6	6	12	
			Joseph Kean,	Frederick,	131	82	119	2	17	349	82	69	-	27	42	15	2	-	7	5	12	
			H. H. Lee,	Clarke,	95	39	91	1	7	16	4	9	-	3	3	4	2	-	3	3	6	
	14th,	Daniel Smith,	William A Harris,	Page,	31	23	9	-	3	7	13	7	1	8	7	3	1	-	2	2	4	This is one of the most troublesome and vexatious duties which the clerks have to perform; and as the objects originally intended by the law have probably been obtained, it is hoped that it may be repealed or that those universal pack-horses,

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Districts.	Circuits.	Judges.	Clerks.	Counties.	Suits at Law.				Causes in Chancery.					Prosecutions.					Terms. Days in Session.			REMARKS.
					No. commenced.	No. pending	No. decided.	No removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from county courts.	No. commenced.	No. pending.	No. decided.	No. nolle prosequi.	Change of venue.	Fall.	Spring.	Total.	
																						the clerks, may be paid for the labour thus imposed on them.
			P. Williams,	Shenandoah,	55	22	82	1	11	30	8	10	-	1	-	2	-	-	3	3	6	
			Robert Turner,	Warren,	42	10	37	-	7	13	7	21	-	2	3	2	1	-	1	1	2	
			Charles Lobb,	Hardy,	88	98	57	-	27	77	3	5	-	-	4	1	1	-	2	4	6	
			Zebulon Dyer,	Pendleton,	26	19	5	-	2	16	2	4	-	11	9	7	2	-	3	2	5	
			H. J. Gambill,	Rockingham,	52	117	60	-	12	36	10	14	1	20	13	8	3	-	3	9	12	At the fall term 1839 the judge was sick.
8th,	15th,	Benjamin Estill,	W. S. Morison,	Lee,	58	31	56	-	6	23	2	4	-	31	19	12	-	-	4	4	8	
			John S. Martin,	Scott,	47	60	60	1	8	35	11	3	3	8	7	20	1	-	6	6	12	The number of suits commenced at law does not include motions. The number of suits pending at law includes an issue out of chancery and a *scire facias*. The suits decided at law include one *scire facias* and one motion. The causes commenced in chancery include one by supersedeas.
			James P. Carrell,	Russell,	56	54	81	-	7	46	18	7	2	27	28	16	1	-	6	6	12	At the fall term the court adjourned Saturday evening at half past 9 o'clock at night, and at April term about the same time. The judge generally commences business on the first day of each term at 12 or 1 o'clock; on the other days at 8 or 9 in the morning, and continues each day's session till after night: but even with this attention to business some of the litigated cases that come up towards the close of the session are continued for want of sufficient time to progress with them. In the enumeration of the causes decided, office judgments, dismissions, and judgments on forthcoming bonds are included.
			Geo. W. G. Browne,	Tazewell,	52	43	53	-	9	47	42	14	-	42	36	24	-	-	5	4	9	An imposition more childish than troublesome, more troublesome than useful.
			Connally F. Trigg,	Washington,	136	84	146	-	23	54	3	13	6	20	7	11	7	-	13	10	23	Of the 84 suits pending 70 are upon the court docket and 14 at rules. Of the 146 suits decided, 77 were office judgments confirmed: 16 dismissions in the office confirmed; 8 confessions of judgments taken in the office and 4 in court. Of the chancery causes pending 26 are at rules and 28 upon the court docket, and the final decrees include two causes dismissed agreed. Five of the prosecutions commenced and decided were for felony, and consumed several days at the fall term in the trials.
			A. B. Moore,	Smyth,	78	63	50	-	16	39	20	15	2	36	18	23	10	-	4	5	9	A number of the suits pending 31st of August were decided at fall

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																						term 1839, which commenced 30th September 1839.
	16th,	James E. Brown,	J. R. Miller,	Wythe,	105	82	54	1	23	142	3	7	1	22	17	5	1	-	18	9	27	
			Orville Anderson,	Grayson,	30	21	36	-	6	17	8	4	-	31	17	19	35	-	4	3	7	
			R. D. Montague,	Montgomery,	93	58	85	-	15	28	8	6	-	6	23	12	1	-	6	7	13	
			Rufus A. French,	Giles,	55	50	15	-	3	50	-	8	-	8	10	55	29	-	7	5	12	Of the 50 suits pending at law 16 are upon the rule docket. Of the 50 in chancery 46 stand at rules, and the *nolle prosequis* are upon indictments for gaming. The persons thus released were fined however upon other presentments for gaming.
			Alexander Mahood,	Mercer,	47	16	42	-	2	6	-	2	-	3	5	1	-	-	2	3	5	
			John Hutchinson, jr.	Monroe,	86	58	75	6	3	40	3	5	-	12	18	10	2	-	5	5	10	
	9th,	17th,	John J. Allen,	H. W. Bowyer,	Botetourt,	135	115	175	5	21	152	28	34	13	10	14	25	1	18	12	13	25	Eighteen causes common law and chancery were removed to the county of Roanoke in pursuance of the law dividing the county of Botetourt. These I have placed under the head of change of venue.
			F. Johnston,	Roanoke,	64	13	51	-	3	15	3	3	-	7	3	4	1	-	5	3	8	
			Andrew Fudge,	Alleghany,	65	99	87	-	8	41	-	6	-	3	2	5	2	-	4	6	10	
			Chs. L. Francisco,	Bath,	45	21	62	-	6	36	6	9	-	9	3	10	1	-	5	6	11	
			H. M. Moffett,	Pocahontas,	42	24	28	-	9	35	*	5	1	3	3	7	-	-	2	2	4	*The number of interlocutory decrees so much defaced by the wafer as to be illegible. (C. H. D.)
			John A. North,	Greenbrier,	212	143	199	-	28	120	39	22	2	14	43	22	14	1	12	11	23	There were 24 judgments on delivery bonds at the fall term, and the same number at the spring term in addition to the number of causes decided.
	18th,	Edwin S. Duncan,	H. M. Dickinson,	Fayette,	88	61	78	2	10	26	5	4	1	9	8	5	2	-	6	5	11	Sunday during each term.
			Robert Hamilton,	Nicholas,	31	10	18	-	2	23	5	-	-	4	-	2	3	-	2	3	5	A number of causes never reached the docket in consequence of compromise by trust deed and otherwise.
			A. Earle,	Randolph,	26	71	50	-	14	37	12	9	-	7	8	3	-	-	6	4	10	
			John Talbott,	Lewis,	110	111	83	-	23	39	5	9	-	9	8	12	3	-	10	8	18	
			W. Newton,	Braxton,	63	57	67	-	16	22	1	3	-	3	6	-	-	-	4	3	7	
			G. G. Davisson,	Harrison,	172	202	145	-	59	236	21	47	1	8	14	4	3	-	20	19	39	In addition there have been 33 motions and award of executions on forthcoming bonds.
	10th,	19th,	Lewis Summers,	J. H. Neal,	Wood,	116	69	126	1	20	67	3	4	-	4	5	7	4	-	1	6	13	The judge was seriously ill and confined to his room during the fall term 1838, except the first day, and one day during the spring term 1839. There was an intermediate term held in August 1839 which lasted six days.
				D. G. Morrill,	Jackson,	84	85	16	-	5	26	1	1	-	13	17	6	-	-	4	4	8	There is not time enough allowed for this court between the sitting of the courts of Wood and Mason counties to transact all the business therein depending.
				Geo. W. Stribling,	Mason,	85	42	74	-	6	28	4	-	-	2	9	2	-	-	7	7	14	A special term was held commencing 21st January 1839, there being no court in the fall of 1838, in consequence of the illness of the judge. The causes pending embrace those on the rule docket as well as those on the court docket. The causes decided include dismissions.
				John Samuels,	Cabell,	32	34	15	-	10	15	13	4	-	46	55	26	4	-	5	8	13	
				Edwin Robertson,	Logan,	15	24	16	-	4	10	2	2	-	9	23	6	2	-	-	6	6	The judge was sick at the fall term and held no court.
				A. W. Quarrier,	Kanawha,	490	427	515	1	17	73	28	8	-	15	55	13	5	-	16	13	29	In the number pending at law 45 old causes at the rules and office judgments to fall term 1839 are in-

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Districts.	Circuits.	Judges.	Clerks.	Counties.	Suits at Law.				Causes in Chancery.					Prosecutions.					Terms. Days in Session.			REMARKS.
					No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from county courts.	No. commenced.	No. pending.	No. decided.	No. nolle prosequi.	Change of venue.	Fall.	Spring.	Total.	
																						cluded. The number decided at law includes dismissions and excludes 181 judgments on forthcoming bonds. Of the number of causes in chancery pending 45 are old cases at the rules.
	20th,	Joseph L. Fry,	Charles Byrne,	Preston,	32	20	22	-	15	18	6	6	-	9	14	7	1	-	5	5	10	Judgments on forthcoming bonds not included.
			Thomas P. Ray,	Monongalia,	95	10	49	-	40	28	23	13	-	9	14	15	2	-	8	6	14	The suits pending are those on the trial docket. The number decided at law includes office judgments, dismissions and causes remanded to rules.
			L. Hickman,	Tyler,	51	40	45	-	12	38	8	6	1	18	20	5	-	-	3	3	6	
			Adam Kuhn,	Brooke,	61	77	69	-	17	27	10	11	-	1	3	2	-	-	4	4	8	Number of suits at law decided do not include judgments on forthcoming bonds or cases of wills.
			Alex. T. Laidley,	Ohio,	502	312	513	2	59	133	11	36	1	117	20	57	42	-	25	15	48	The causes decided include also forthcoming bonds. There was an intermediate term of eight days duration.
			James D. Morris,	Marshall,	70	55	82	-	18	31	6	16	-	2	6	11	7	-	7	5	12	The number of suits decided does not include judgments on forthcoming bonds.
				Total,	11313	9435	11682	69	1704	8937	2039	1543	174	1193	1366	970	323	21	862½	706	1638½	

The report of the clerk of Nicholas county has been received and inserted in its proper place since this report was made to the house.

E. E.

GEORGE W. MUNFORD, *C. H. D.*

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[Supplement to Doc. No. 8.]

Circuit Courts of Law and Chancery for the year ending the 30th of August 1839.

Number of each circuit.	Number of Counties in each circuit.	Names of the Judges.	Suits at Law.				Causes in Chancery.					Prosecutions.					Terms. Days in Session.			Miles travelling.			REMARKS.
			No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from county courts.	No. commenced.	No. pending.	No. decided.	No. nolle prosequis.	Change of venue.	Fall.	Spring.	Total.	Travelling to general court.	Circuit travelling.	Total once a year.	
1	8	Richard H. Baker,	768	396	726	1	70	229	102	60	7	70	73	67	5	-	47	40	87	224	255	479	
2	7	Jno. Y. Mason,	479	470	524	4	61	230	99	79	7	39	35	31	11	1	36½	35	71½	150	380	530	
3	7	Abel P. Upshur,	307	315	330	-	55	385	75	58	10	30	55	31	3	-	23	29	52	348	310	658	
4	7	Jno. B. Christian,	406	293	435	-	75	231	43	71	10	18	41	30	9	2	30	28	58	120	230	350	
5	7	John T. Lomax,	664	268	750	8	45	567	68	61	8	24	45	21	7	-	40	45	85	140	218	358	
6	5	John Scott,	693	527	769	9	106	475	266	116	11	27	39	32	14	-	26	28	54	220	200	420	
7	4	John B. Clopton,	357	554	358	7	36	268	61	36	1	16	34	15	-	-	33	27	60	12	182	194	
8	5	Wm. Daniel,	758	505	749	2	123	596	118	105	31	41	35	40	13	-	51	56	107	240	180	420	
9	5	Wm. Leigh,	619	378	659	1	57	240	103	66	10	59	78	47	25	1	27	28	55	260	165	425	
10	5	Fleming Saunders,	408	546	479	-	52	242	40	52	17	89	162	49	20	-	30	33	63	380	219	599	
11	7	Richard H. Field,	322	286	339	1	52	138	34	47	9	33	25	22	7	-	21	27	48	216	311	527	No return from the county of Culpeper in consequence of the death of the clerk. The suits in that court ought to be added to the eleventh circuit.
12	5	Lucas P. Thompson,	734	726	1004	8	158	762	254	137	20	43	58	32	1	-	49	42	91	242	240	482	
13	6	Isaac R. Douglass,	682	608	773	5	96	794	245	175	3	47	82	38	10	-	44	41	85	320	200	520	
14	6	Daniel Smith,	294	289	250	1	62	179	45	61	2	51	36	23	8	-	14	21	35	268	257	525	
15	6	Benjamin Estill,	427	335	446	1	69	244	96	55	13	164	115	106	19	-	38	35	73	618	270	888	
16	6	James E. Brown,	416	285	307	7	52	283	22	32	1	82	83	102	68	-	42	32	74	514	309	823	
17	6	John J. Allen,	563	415	602	5	75	399	76	79	16	46	68	73	19	19	40	41	81	330	241	571	The number of interlocutory decrees in the county of Nicholas was so much defaced by the wafer as to be illegible. This number ought to be added to the 17th circuit.
18	6	Edwin S. Duncan,	490	510	441	2	124	383	49	72	2	40	44	26	11	-	48	42	90	590	323	913	
19	6	Lewis Summers,	822	681	762	2	62	219	51	19	-	89	164	60	15	-	33	44	77	694	333	1027	
20	6	Joseph L. Fry,	820	514	780	2	161	275	64	88	2	156	77	95	52	-	52	38	90	714	290	1004	
21	1	Philip N. Nicholas,	317	502	339	4	113	1718	130	80	3	16	12	40	2	-	138	54	192				
		Total, -	11313	9435	11682	69	1704	8937	2039	1543	174	1193	1366	970	323	21	862½	766	1628½				
Average of the 21 circuits,			539	449	556	3	81	425	97	73	8	57	65	46	16	1	41	36	78				

Judgments at law, - -	11682	Number of appeals allowed, -	133	being a little over nine-tenths of one per cent. of the total decisions in the circuit courts.
Interlocutory decrees, - -	2039	Causes decided, - -	81	
Final decrees, - - -	1543		54	excess.
Total decisions from which appeals may be had, - -	15264	Pending in the court of appeals at Richmond, -	446	
		At Lewisburg not stated.		

E. E.

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[DOC. No. 9.]

TREASURER'S REPORT.

SUBSCRIPTIONS TO THE BANKS OF THE COMMONWEALTH.

VIRGINIA TREASURY OFFICE,
RICHMOND, *2nd December* 1839.

To the Honourable the Speaker of the House of Delegates:

SIR,

This communication is intended to put the general assembly in possession of the facts relating to the subscriptions and payments made by the treasurer of the commonwealth to the banks under the acts of the 19th of March 1839, entitled "an act to provide for further subscriptions on the part of the state to the Exchange bank and Northwestern bank of Virginia," and the 4th of April 1839, entitled "an act to repeal and amend certain acts respecting the banks of this commonwealth.

1st.—EXCHANGE BANK AT NORFOLK.

The following is a communication received from the president of that bank:

EXCHANGE BANK OF VIRGINIA, APRIL 15, 1839.

SIR,

We intend to forward to you by special messenger or through the hands of Mr. Caskie our subscription book, and to ask your subscription on behalf of the state of 4500 shares of our stock, pursuant to the act of the 19th March last, though you may no doubt regard the subscription as made by operation of law.

In the mean time I hope you will forthwith take the necessary steps to provide for the payment to be made under that subscription. To enable you to do so, I send a statement below shewing the whole amount of stock taken and fully paid up, and the number of shares now to be paid for by the treasurer.

Your ob't serv't,

(Signed)
SN. WHITEHEAD, *Pres't.*

Whole number of shares subscribed to Exchange Bank of Virginia, - - -		11,950
First subscription by the state, - - - - -	4,500	
Proportion of individual subscriptions to equal, - - - -	4,500	
		9,000
		2,950

Number of shares subscribed for by individuals and actually paid up more than the state's first subscription 2,950 at par $295,000.

SN. WHITEHEAD, *Pres't.*

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In order to provide for the payment of the stock required to be subscribed for by the first section of the act of the 19th March 1839, and now called for, I caused the following advertisement, inviting proposals for six per cent. loan, to be published in the newspapers of this city, the Norfolk Herald and Baltimore American:

$387,192 *of six per cent. Virginia State Loan.*

By authority of an act passed 19th March 1839, entitled "an act to provide for the further subscriptions on the part of the state to the Exchange bank and Northwestern bank of Virginia:

Notice is hereby given that I will receive at any time previous to 12 o'clock of the 20th day of May next, sealed proposals for six per cent. loans amounting to three hundred and eighty-seven thousand one hundred and ninety-two dollars, (or any part thereof,) irredeemable for twenty years. Interest payable semi-annually on the first of January and first of July.

Ample provision is made by law for the punctual payment of the interest on all debts of the state in specie or its equivalent.

Proposals endorsed "state loan," to be left at the treasury office.

L. BURFOOT, *Treas'r Com'th.*

April 19th, 1839.

The only proposal received in pursuance of the foregoing advertisement, is the following:

At a meeting of the Board of Directors of the Exchange Bank of Virginia *on Wednesday the 15th May* 1839:

Present,— SWEPSON WHITEHEAD, *President*,
GEORGE M'INTOSH, JOHN SOUTHGATE,
JAMES CORNICK, GEORGE WILSON,
RICHARD DICKSON, W. J. HARDY,
SAMUEL W. PAUL, } *Directors.*

The following was adopted:

Resolved unanimously, That this bank will be willing to take in payment from the treasurer of the commonwealth at par, as much of the six per cent. stock advertised by him as will meet the state's subscription due to the bank, or any portion of the same.

A true copy from the minutes.

(Signed) W. SOUTHGATE, *Cashier.*

Sn. Whitehead, *Pres't.*

This proposal was accepted. On the 29th of May the following resolution of the board of directors of the Exchange bank was received by the hands of John Southgate, esq., a director of said bank:

At a meeting of the Board of Directors of the Exchange Bank of Virginia *on Saturday the 25th of May*, 1839:

Present,— SWEPSON WHITEHEAD, *President*,
JAMES CORNICK, GEORGE M'INTOSH,
JOHN SOUHGATE, SAML. W. PAUL,
GEORGE WILSON, RICHARD DICKSON,
WM. J. HARDY, THOMAS F. ANDREWS, } *Directors.*

The following was adopted:

Resolved, That John Southgate, a director of this bank, be appointed and authorized to wait on the treasurer of the commonwealth for the purpose of obtaining his subscription in the books of the Exchange bank of Virginia for the remaining four thousand five hundred shares of the stock in said bank to be taken and held by the state, and receive payment from him in the mode designated in the resolution passed by this board on the 15th day of this month, and acceded to by the treasurer; and on receipt of payment to execute proper acknowledgments for such payment. It is hereby understood that the number of shares to be paid for at this time by returns made to the treasurer is two thousand nine hundred and fifty shares.

A true copy from the minutes.

(Signed) W. SOUTHGATE, *Cashier.*

Sn. Whitehead, *President.*

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Whereupon a subscription for four thousand five hundred shares of stock in the Exchange bank of Virginia on behalf of the commonwealth, as required by the first section of the act of the 19th of March 1839, was made in the subscription book of the said bank, which was presented to the treasurer of the commonwealth by Mr. John Southgate, and the sum of two hundred and ninety-five thousand dollars, being the amount called for by the foregoing resolution of the 25th May 1839, and the statement of the president of said bank, to make the commonwealth's stock equal to that subscribed and paid for by individuals, was paid to the said John Southgate on behalf of the said bank as per the following receipt:

TREASURY OFFICE, MAY 29, 1839.

Received for the Exchange bank of Virginia two hundred and ninety-five thousand dollars, being the subscription of the state to the capital stock of said bank pursuant to an act of the general assembly passed 19th March 1839.

(Signed) JNO. SOUTHGATE,
Agent for the Exchange Bank of Virginia.

$295,000.

All of which will more particularly appear by reference to the books of this office.

The cashier of the Exchange bank has made a further call on the treasurer of the commonwealth, to wit:

At a meeting of the board of directors of the Exchange bank of Virginia on the 2d of October 1839, the following resolution was adopted:

Resolved, That the cashier be requested to make application to the treasurer of the commonwealth for payment of the state's subscription on 1038 shares subscribed and paid for by individuals more than have been paid for by the state since the application to the treasurer on the 15th of *April** 1839.

A true copy from the minutes.

(Signed) W. SOUTHGATE, *Cashier.*

* Should be May.

EXCHANGE BANK OF VIRGINIA, OCTOBER 3, 1839.

LAWSON BURFOOT, Esq., *Treasurer.*

SIR,

I beg leave to hand you a copy of the proceedings of our board of directors of the 2d instant, and to request your compliance therewith.

Respectfully yours,

W. SOUTHGATE, *Cashier.*

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Treasurer's Answer.

TREASURY OFFICE, October 12, 1839.

WRIGHT SOUTHGATE, Esq.,
Cashier of the Exchange Bank of Virginia.

SIR,

Yours covering a resolution of the directors of the Exchange bank at Norfolk making a call on the treasurer for the payment of 1038 shares of stock in that bank, to put the state on an equal footing with the private stockholders has been received.

I regret to inform you that I have no funds in the treasury applicable to the payment, and that from the best information which I have been able to obtain, the amount cannot be borrowed on the credit of the state, as state stock is selling in this place below par.

I will use all the means in my power to meet the call as soon as possible.

Yours very respectfully,

L. BURFOOT, *Treas'r Com'lth.*

Since the date of this letter I have not been able to effect a loan for any amount.

2d.—THE NORTHWESTERN BANK.

In order to pay the balance due on the state's subscription to the stock of the Northwestern Bank of Virginia, as directed by the 2d section of the act of the 19th of March 1839, referred to in the foregoing report, I included the amount due on that subscription in my advertisement of the 19th April inviting proposals for a loan for the benefit of the Exchange Bank.

After the advertisement for the loan was published, I received the following communications from the cashier of that bank:

NORTHWESTERN BANK OF VIRGINIA,
WHEELING, 23d May 1839.

L. BURFOOT, Esq. *Tr.*

DEAR SIR,

May I request the favour of you to advise what success you met with in the sale of the state bonds.

I am, very respectfully,

(Signed) J. LIST, *Cashier.*

Treasurer's Answer.

TREASURY OFFICE, RICHMOND, 27th May 1839.

SIR,

Yours of the 23d instant was received this morning. I hasten to give you the information you ask.

I had but two bids. One by the Exchange Bank, for the amount due to it at par—the other by an individual for $2000 at ½ of 1 per cent. premium. I shall accept the offer of the Exchange Bank, and do the best I can with the balance for the benefit of your bank.

Yours very respectfully,

L. BURFOOT, *Treasurer.*

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NORTHWESTERN BANK OF VIRGINIA,
WHEELING, June 6th, 1839.

L. BURFOOT, Esq. *Tr.*

DEAR SIR,

Yours of the 27th ult. is received and has attention.

The directors have had its contents under consideration, and they have instructed me to write to you in order to ascertain whether (if the state bonds are not sold), you would permit this bank to take them at the same rate as the Exchange Bank did?

In that case the board would authorize some individual to go on to Richmond and receive them.

Your reply by return of mail will oblige

Yours, very respectfully,

(Signed) J. LIST, *Cashier.*

Treasurer's Answer.

TREASURY OFFICE, RICHMOND, June 12th, 1839.

I have made every effort in my power to sell the state stock which I was directed by an act of the general assembly passed the 19th day of March last to sell for the purpose of paying the balance due on the commonwealth's subscription to the stock of the Northwestern Bank of Virginia, but have not been able to effect a sale except for the amount of $3,700. The present state of the stock market here is such as induces me to believe that there is but a very remote probability of selling the remainder in any short time even at par. I have therefore concluded to pay you the amount on hand and to issue the stock to the bank as proposed in yours of the 6th instant. This will be done on the appearance of your agent with full authority from the bank to receive the money and stock, and grant the necessary and proper receipts for the same.

I must have the scrip for the bank stock at the same time—$400,000.

Yours, very respectfully,

L. BURFOOT, *Treasurer Commonwealth.*

To the President of the Northwestern Bank of Virginia.

The following resolution of the board of directors of the Northwestern Bank of Virginia was presented to me by J. List, cashier of said bank:

NORTHWESTERN BANK OF VIRGINIA,
WHEELING, June 20, 1839.

At a meeting of the board of directors held at the banking house this day, it was

"*Resolved*, That John List, cashier, be and he is hereby authorized and empowered to receive from the treasurer of the commonwealth of Virginia, the balance due on four thousand shares of stock subscribed for on behalf of the state to the capital of the Northwestern Bank of Virginia, by the act of the general assembly passed on the 25th day of March 1837, and to execute to the said treasurer proper acknowledgments of such payment; and upon the receipt from the treasurer of the said balance to be paid either in money or in the scrip of the state bearing an interest of six per cent. per annum, or part in each, to deliver to said treasurer a certificate to the state for 4000 shares of stock in this bank."

I hereby certify that the above is an extract from the minutes of the board.

(Signed) ARCH'D WOODS,
President Northwestern Bank of Virginia.

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The following account was also furnished by the cashier for the purpose of shewing the amount due on the state stock heretofore subscribed for:

COMMONWEALTH OF VIRGINIA *on account of bank stock, In account with the* NORTHWESTERN BANK OF VIRGINIA.

DR.

1837—July	18—To 2d instalment on 4000 shares stock, each share $ 100, payable October 1st, 1837,		200,000 00
Dec'r	30—To interest on balance $ 117,190 00 from October 1st, 1837,		1,757 00
1838—June	30—To do. do. 109,947 67 from January 1st, 1838,		3,298 33
Dec'r	31—To do. do. 101,216 00 from July 1st, 1838,		3,036 00
June	22—To A. Robinson, jr., collector Board of public improvements for error in credit of dividends,		90 00
			$ 208,181 33
1839—June	22—To balance,		$ 92,282 00

CR.

1837—Oct'r	9—By cash paid S. Sprigg, Esq.,	82,809 33
Dec'r	30—By dividend,	9,000 00
1838—June	30—By dividend 3 per cent. 401,000,	12,030 00
Dec'r	31—By do. 3 per cent. 402,000,	12,060 00
1839—June	22—By balance,	92,282 00
		$ 208,181 33

E. E.

(Signed) JOHN LIST, *Cashier*,
By H. D. BROWN, *General Book-keeper.*

Wheeling, Virginia.

Having received only $ 3700 of the loan advertised on the 19th of April, that amount was paid in cash and $ 88,582 in state bonds bearing interest at 6 per cent., making $ 92,282, the balance due by the foregoing account was paid to the said List who was authorized by the said resolution to receive the same. His receipt is in the words and figures following, to wit:

TREASURY OFFICE, 1st July, 1839.

Received for the Northwestern Bank of Virginia ninety-two thousand two hundred and eighty-two dollars on account of the state's subscription to the Northwestern Bank.
$ 92,282.

(Signed) J. LIST, *Cashier.*

All of which will more particularly appear by reference to the books of this office.

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3d.—THE BANK OF THE VALLEY.

A communication was received from the executive, by which I was informed that the Bank of the Valley had accepted the provisions of the acts of the 25th March 1837 and 4th of April 1839, whereupon I proceeded, as directed by the 8th section of the act of 4th of April 1839, to subscribe in the name of the commonwealth for 3700 shares of the stock of said bank in the words and figures following, to wit:

TREASURY OFFICE, JULY 27th, 1839.

Whereas by the 8th section of the act of the general assembly of Virginia, passed the 4th of April 1839, entitled "an act to repeal and amend certain acts respecting the banks of this commonwealth," it is provided that upon the executive's being notified of the acceptance by the stockholders of the Bank of the Valley in Virginia of the provisions of this act, the treasurer shall proceed to subscribe in the name of the commonwealth for the stock of the said bank authorized to be subscribed for on behalf of the commonwealth by the act, entitled "an act increasing the banking capital of the commonwealth," passed the 25th March 1837; and to pay for such subscription out of the money heretofore loaned to said bank, and still on loan therewith; and to that end, the treasurer shall be and he is hereby authorized to surrender to said bank its obligation for the payment of the money on loan as aforesaid.

And whereas by a communication from the executive addressed to the treasurer in the words and figures following, to wit:

EXECUTIVE DEPARTMENT, JULY 26th, 1839.

SIR,

I am instructed by the lieutenant governor to inform you that he has received from the cashier of the Bank of the Valley a communication bearing date the 20th inst., transmitting a resolution of the stockholders of the said bank accepting the provisions of an act of the general assembly passed the 4th day of April 1839, entitled "an act to repeal and amend certain acts respecting the banks of this commonwealth," and also the provisions of an act, entitled "an act increasing the banking capital of this commonwealth," passed March 25th, 1837, as the same are modified by the aforesaid act of the 4th day of April 1839.

Very respectfully,

Your ob't serv't,

(Signed) WM. H. RICHARDSON, S C.

it appears that the provisions of the said acts have been accepted by the stockholders of said bank.

And whereas the subscription authorized by the said 8th section to be made on behalf of the commonwealth for the stock of said bank is directed to be made by the treasurer of the commonwealth:

Now be it known to all whom it may concern, that I Lawson Burfoot, treasurer of the commonwealth for and on behalf of the commonwealth, do hereby subscribe to the increased capital stock of the Bank of the Valley in Virginia, for three thousand seven hundred shares of the stock of said bank, and in payment of the said stock I hereby surrender to said bank its obligation for the sum of three hundred and seventy thousand dollars loaned as aforesaid.

L. BURFOOT, *Treas'r Comm'th Va.*

The following is a copy of the treasurer's letter to the cashier enclosing the commonwealth's subscription and the answer of the cashier:

TREASURY OFFICE, JULY 27th, 1839.

SIR,

Inclosed I send you the commonwealth's subscription to the stock of your bank. Also your bond which I am authorized to surrender in payment of said subscription—please send me the scrip for the bank stock, and oblige

Yours, very respectfully,

L. BURFOOT, *Treas'r Comm'th.*

To the Cashier of the Bank of the Valley in Virginia.

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BANK OF THE VALLEY IN VIRGINIA,
August 5th, 1839.

L. Burfoot, Esq., *Treasurer.*

DEAR SIR,

Your favour of the 27th ult., enclosing the commonwealth's subscription to the stock of this bank and the bond has been received, and as requested I enclose herein the scrip.

I am very respectfully,
Your ob't servant,
(Signed) H. M. BRENT, *Cashier.*

4th.—BANK OF VIRGINIA.

5th.—FARMERS BANK OF VIRGINIA.

A communication was received from the executive in the words and figures following, to wit:

EXECUTIVE DEPARTMENT, June 4, 1839.

SIR,

I am instructed by the governor to inform you that he has received from the presidents of the Bank of Virginia and Farmers Bank of Virginia, communications bearing date the 3d inst. transmitting resolutions of the stockholders of those banks respectively accepting the provisions of an act of assembly, entitled "an act increasing the banking capital of this commonwealth," passed March 25th, 1837, as modified by the act, entitled "an act to repeal and amend certain acts respecting the banks of this commonwealth," passed April 4th, 1839.

Very respectfully, your obedient servant,
(Signed) WILLIAM H. RICHARDSON, *Sec'y Comm'th.*

Whereupon I proceeded as directed by the 8th section of the act of the 4th April 1839, to subscribe in the name of the commonwealth for three thousand two hundred and fifty shares of the stock of the Bank of Virginia, and for five thousand and fifty shares of the stock of the Farmers Bank of Virginia, which said subscriptions were paid for by the treasurer out of the money heretofore loaned to said banks by surrendering to said banks severally their bonds held by the commonwealth.

All of which will more fully appear by reference to the books of this office.

RECAPITULATION.

Subscriptions and payments made by the treasurer to the stocks of the following banks, as stated in this report:

The Exchange Bank of Virginia for $ 450,000, paid - -	295,000
The Northwestern Bank, (balance of subscription heretofore made,) -	92,282
Bank of the Valley in Virginia, - - - -	370,000
Bank of Virginia, - - - - -	325,000
Farmers Bank of Virginia, - - - -	505,000
	$1,587,282

The three last amounts were paid for by a surrender to each of said banks of its bond held by the commonwealth.

Certificates of stocks held by the commonwealth, and now in the possession of the treasurer, including the subscriptions heretofore made, as well as those stated above:

Exchange Bank certificate,	No. 514, - - -	4,500 shares.
Do. do.	" 515, - - -	2,950 do.
The Northwestern Bank,	" 133, - - -	4,000 do.
The Bank of the Valley,	" 1, - - -	3,700 do.
The Bank of Virginia,	" 1, - - -	3,250 do.
The Farmers Bank of Virginia,	" 1, - - -	5,050 do.

All of which is respectfully reported.

L. BURFOOT, *Treas'r Com'th.*

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[DOC. No. 10.]

CONDITION OF THE BANK OF VIRGINIA.

EXECUTIVE DEPARTMENT, DECEMBER 6, 1839.

SIR,

I transmit herewith a letter from the president of the Bank of Virginia, covering a general statement of the condition of that bank on the 2d instant, for the information of the general assembly.

I am, very respectfully,

Your obedient servant,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

BANK OF VIRGINIA, 5TH DECEMBER, 1839.

SIR,

I have the honour to transmit to your excellency a general statement of the condition of this bank and branches, as required by the 8th section of "an act concerning the banks of this commonwealth, and for other purposes," passed on the 2d April 1838.

With high respect,

I am your excellency's most ob'dt,

JOHN BROCKENBROUGH, *Pres't.*

To his Excellency Governor CAMPBELL.

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GENERAL STATE OF THE BANK OF VIRGINIA,

Loans outstanding,		5,664,374 89
Specie on hand,	641,241 19	
special deposit in Philadelphia,	50,000 00	
government drafts payable in coin,	10,555 00	
		701,796 19
Sterling bills,		18,289 29
Notes of other banks in the state,	116,918 20	
Do. do. out of the state,	61,867 00	
		178,785 20
Balances due from other banks,		167,036 29
Stocks,		676,331 56
Real estate,		326,642 41
		$7,733,255 83

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INCLUDING THE BRANCHES—DECEMBER 2, 1839.

Capital stock, originally paid in, - - - -	3,240,000 00	
Do. recently subscribed by the state, - - -	325,000 00	
Do. do. do. individuals, - - -	72,400 00	
		3,637,400 00
Notes in circulation, - - - - -		2,513,412 50
Surplus fund for extinguishment of bad debts prior to June 3, 1839, and applicable as profits to old shareholders, after deducting $260,000 of debt reported to be bad, - - - -		223,348 47
Discounts and profits received since 3d June 1839, - -		143,258 55
Balances due to other banks, - - - -		292,031 86
Deposits, - - - - - -		923,804 45
		$7,733,255 83

By comparing the above statement with that rendered on the 1st January last, it will be perceived—

That although the capital stock of the bank has been increased $397,400, the outstanding debt has been reduced $1,056,836 92.

That the notes in circulation have been reduced $843,610, whilst the specie and funds available as specie remain $773,875 11, being in the proportion of $3¼ of circulation to $1 of coin.

The item of stocks, which has been increased since the last statement $74,631 56, consists of $500,000 subscribed to the James river and Kanawha company, $145,000 in stocks of the state of Virginia, and in bank and other stocks amounting to $31,331 56, all of which except the first item may be regarded as stated at their reasonable value.

Fully two thirds of the amount of real estate consists of banking houses at cost, the remaining one third is considered not much if at all over estimated in value: but it is impossible to say what any part would produce, as the value is of course regulated by circumstances.

Returns of the denominations of notes in circulation not having been fully made by the departments, the precise number of each cannot now be ascertained, but it is believed information will be obtained and furnished in season.

The last dividend of profits declared being at the rate of 5 per cent. upon $3,240,000 amounted to $162,000.

The amount of transactions in exchange, and the amount of interest and exchanges received thereon, will be reported from the departments at the close of the year, when a detailed statement thereof will be prepared and presented, it is hoped, in season.

The customary time of rendering statements from the several departments of the bank, as to the condition of the outstanding debt, is at the close of the year, when the profits are divided: full returns will then be made, and a detailed statement prepared and rendered; but no information has been received to induce a belief that any material amount of bad debt exists, further than the amount above deducted from the surplus fund.

At a meeting of the Board of Directors of the Bank of Virginia, on the 3d December 1839:

The foregoing statement and report being examined, ordered that the same be certified as correct.

JOHN BROCKENBROUGH, *President.*

City of Richmond, to wit:

This day Anthony Robinson, jun., cashier of the Bank of Virginia, appeared before me, a justice of the peace for said city, and made oath, that the within statement is truly compiled and deduced from statements rendered by the several departments of the said bank, according to the best of his knowledge and belief. Given under my hand this fifth day of December 1839.

RICHD. D. SANXAY, *J. P.*

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[DOC. No. 11.]

CONDITION OF THE FARMERS BANK OF VIRGINIA.

EXECUTIVE DEPARTMENT, DECEMBER 6, 1839.

SIR,

I enclose for the information of the general assembly, a letter from the president of the Farmers Bank of Virginia, with a general statement of the condition of that bank on the 2d instant.

I am, very respectfully,

Your obedient servant,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

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FARMERS BANK OF VIRGINIA, December 5, 1839.

SIR,

I enclose a general statement of the condition of the bank on the 2d instant, with a table shewing the denominations of notes in circulation, the dealings in exchange, and the real estate of the bank, which with this note I pray you to lay before the general assembly.

This bank was reduced to the necessity, along with other banks of the state, of resolving temporarily to suspend specie payments on the 12th October last. The resolution was taken under a painful sense of the responsibility it involved, and not until it was seen that thereby alone could mischiefs the most serious to the community at large and to the banks be avoided.

The state of the banks of this commonwealth has annually been made public; and whilst their condition has been such as to inspire unhesitating confidence in the soundness and security of the institutions, it must have been remarked that it was not favourable to the maintenance of specie payments in a period of commercial revulsion occurring unexpectedly, and compelling the banks of the principal commercial points to suspend. It has been known that their loans have been large for their capitals, and that they could not be called in of a sudden, and least of all at a period of unusual obstruction to the ordinary business transactions of the country. So also the circulation has been large for the specie held by the banks—usually it has been reduced without embarrassment, by drawing upon collections made by other banks on account of our own; but this resource failing, as fail it must in the event of suspension by banks in other states, the loss of the specie capital of our banks would be inevitable. For it will be remarked the tendency of the circulation to return upon the banks would be increased at such a time, and besides that the payment of deposites would be exacted in coin.

The reduction of the outstanding debt and of the liabilities of the bank, had been steadily looked to anterior to the suspension of the banks in the cities before mentioned; it was a policy however that had of course to be modified and limited by a due regard to its effects on the property, business, employments and commerce of the country. Hence the reduction was pursued with caution, and less was accomplished than would have satisfied the judgment of those having the management of the institution if they had been at liberty to disregard the high claims of the community. It must be admitted that time and great forbearance are necessary to bring about a change in banking, especially when as in this state it has been conducted through a long series of years upon terms of great indulgence and liberality. At the date of the late suspension the board was satisfied that the consequences of an incautious attempt to maintain specie payments would have been the loss at least of the specie capital to supply the foreign demand for it, the prostration of business of every kind along with the price of every description of property, and general embarrassment and discredit.

The capital of the bank has been increased since the beginning of the year nearly $ 600,000, and the debt outstanding has been reduced something more than $ 590,000. Within that period the circulation has diminished upwards of $ 690,000, and the deposites more than $ 300,000.

The circulation and the outstanding debt are less now than they were on the 12th October when the suspension was resolved on; by which it appears that the bank has not departed from the course of cautious reduction which it had previously prescribed to itself. The line of discounts and the circulation compared with the specie are each within the limits prescribed by the act of assembly.

The last dividend of profits declared was at the rate of 6 per cent., which on the capital of $ 2,000,000 amounted to $ 120,000.

The bank has continued to supply the community liberally with change; and by some of the branches of the institution large demands made by brokers and others have been paid in coin rather than incur the penalties of a protest.

The course of the bank has been forced upon it by public considerations, at the risk of serious consequences to itself and of great embarrassment to the officers, in the humble confidence that it will be approved by the general assembly.

I have the honour to be,

With great respect,

Your ob't serv't,

WM. H. MACFARLAND, *Pres't.*

To his Excellency David Campbell.

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(No. 1.)

State of the FARMERS BANK OF VIRGINIA, *including the Branches, on Monday the 2d December* 1839.

	Inland bills.	Bills discounted, bonds, and all other debts.	Aggregate.			
Debt outstanding,	1,212,757 85	3,782,594 07	4,995,351 92	Capital stock:		
Foreign bills of exchange,	-	-	6,936 86	Old stock, - -	2,000,000 00	
Farmers bank stock, 49 shares,	-	-	4,900 00	New stock, instalments and interest, - -	596,470 91	
Specie,	-	-	531,541 83			2,596,470 91
Notes of other banks,	-	-	207,528 53	Notes in circulation, - -		2,132,523 50
Due from other banks,	-	-	71,033 37	Deposit money, commonwealth and others,		739,237 99
Real estate,	-	-	199,312 86	Contingent fund, - -		434,869 44
				Profit and loss of the institution 6 months,		113,503 53
			$6,016,605 37			$6,016,605 37

FARMERS BANK OF VIRGINIA,
RICHMOND, 3d December 1839.

The undersigned directors of the Farmers Bank of Virginia certify that the foregoing statements have been examined and are believed to be correct.

CHARLES ELLIS, SAM'L MARX,
A. PLEASANTS, SAMUEL REEVE,
NICHOLAS MILLS, O. WILLIAMS,
WM. H. HUBBARD, SUBLETT M'GRUDER.
JAMES SIZER,

STATE OF VIRGINIA—*City of Richmond, to wit:*

J. G. Blair, cashier of the Farmers Bank of Virginia, this day personally appeared before me a justice of the peace of the city aforesaid, and made oath that the foregoing statements were made out from the books of the bank, and from the latest returns preceding the date, from the branches, and are correct to the best of his knowledge and belief. Given under my hand this 4th day of December 1839.

RICH'D D. SANXAY, *J. P.*

(No. 2.)

Statement of Notes in circulation of the FARMERS BANK OF VIRGINIA *and Branches on the 2d Dec.* 1839.

IN NOTES OF	1st Issue. $1	1st Issue. $2	2d Issue. $1	2d Issue. $2	$5	$6	$7	$8	$9	$10	$30	$50	$100	DOLLARS.	
Issued, - -	62200	119600	48000	32000	552000	15000	14200	20480	23400	920000	510000	860000	1600000	4,787,800	
Cancelled, - -	58120	115304	11323	5130	486835	1962	2751	2232	1026	807890	375840	555500	1042300	3,466,213	
	4080	4296	36677	26870	65165	13038	11449	18568	22374	112110	140160	304500	557700	1,321,587	
On hand, - -	-	-	5207	5864	5560	4200	7259	9200	13257	9910	27060	110150	522100	777,014	Some half notes paid half.
Richmond, -	4080	4296	31470	21006	59605	9438	8190	9368	9117	102200	113100	194350	35600	544,573	
Norfolk, - -	Denominations not specified in returns,				-	-	-	-	-	-	-	-	-	131,313½	
Petersburg, -	Ditto		ditto		-	-	-	-	-	-	-	-	-	192,185	
Fredericksburg, -					42375	-	-	-	-	31260	62880	86350	43400	266,265	
Do.	Of 6, 7, 8, and 9,				-	-	-	-	-	-	-	-	-	15,878	
Lynchburg, -	Denominations not specified in returns,				-	-	-	-	-	-	-	-	-	446,990	
Winchester, -	Ditto		ditto		-	-	-	-	-	-	-	-	-	235,661	
Danville, - -					10530	2982	3353	3968	4482	22040	97980	162850	37600	346,685	
														2,179,550½	

NOTE.—The aggregate amount in circulation of the whole institution is less than above appears by the amount on hand at the mother bank of the notes of the branches, and the amount on hand at the branches of the branch and mother notes which not having been reported cannot be rendered in this statement.

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(No. 3.)

Real Estate of the Farmers Bank of Virginia *and Branches.*

At Richmond,	-	-	- Cost	86,687 94	estimated to be worth cost.	
Norfolk,	-	-	- "	32,606 30	no return of value at this time.	
Petersburg,	-	-	- "	28,973 18	do.	
Fredericksburg,	-	-	- "	17,000 00	over the value about -	5,000 00
Lynchburg,	-	-	- "	11,555 26	no return of value at this time.	
Winchester,	-	-	- "	22,490 18	over the value estimated -	$14,490 18
				$199,312 86		

Farmers Bank of Virginia, 2nd December 1839.

(No. 4.)

Dealings in Exchange of the Farmers Bank of Virginia *and its Branches to the 2nd December* 1839.

At Richmond, since 1st January 1839.					
Inland bills discounted, purchased and collected,	-	-	-	-	2,809,350 93
Discounts and exchange thereon,	-	-	-	53,482 72	
Foreign bills purchased £100,874 10. 8. sterling,	-	-	-	-	509,913 44
Loss thereon,	-	-	-	1,603 53	
At Norfolk, roported from 1st September to 27th November 1839.					
Bills negotiated in and out of this state,	-	-	-	-	76,511 52
on $1,970 00 a difference of ½ p. ct. has been charged.					
743 00 do. 1 do. do.					
6,223 45 do. ¼ to ½ do. has been allowed.					
249 02 do. 5 do. do.					
Drafts by this branch.					
on $39,810 29 no premium has been charged.					
28,709 32 ¼ to ½ p. ct. do.					
33,210 09 ¾ to 1 do. do.					
4,826 82 2 to 2½ do. do.					
200 00 5 do. do.					
At Petersburg—no report made.					
Fredericksburg—report no premiums received or paid.					
Lynchburg—no report made.					
Winchester—no report made.					
Danville—dealings in exchange last quarter,	-	-	-	-	$37,311 95
Premiums thereon,	-	-	-	$337 03	

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[DOC. No. 12.]

MEMORIAL OF THE EXCHANGE BANK OF VIRGINIA.

TO THE GENERAL ASSEMBLY OF VIRGINIA.

The memorial of the Exchange bank of Virginia respectfully represents, that having obtained the proclamation of the executive as required by law, it commenced operations on the first day of September 1838, with a capital of $952,100, subscribed as follows:

By the state of Virginia,	450,000	dollars.
By the borough of Norfolk,	433,300	"
By the town of Clarkesville,	24,500	"
By the town of Petersburg,	34,300	"
By the city of Richmond,	10,000	"

Of this sum there was paid in specie and in funds equivalent thereto, up to the 5th October 1838, $735,159 18; that on the 5th, 12th and 19th days of October following, in obedience to law, and in compliance with a resolution of the stockholders at their first general meeting directing the bank to establish the branches as soon as practicable, the following amounts of the capital paid in were assigned and paid over to the authorized agents of the respective departments, viz:

To Richmond,	188,375	dollars.
Petersburg,	188,375	"
Clarkesville,	73,350	"
Retaining at the parent bank in Norfolk,	283,059	18

With this distribution of its capital, the bank and its several departments proceeded to carry out the intention of the legislature in its establishment by extending to all the avocations of life a due proportion of its benefits, as far as its limited means and the interests of the stockholders permitted. During the progress of their business, which your memorialists verily believe was conducted to the entire satisfaction of its various customers, the merchants, farmers, mechanics and others who required banking facilities, and were enabled to offer satisfactory security, either personal, real or mixed, all were accommodated; and that the citizens generally might have further opportunity of becoming interested in the stock of the bank, it was offered to them from time to time on the same terms and cost as to the original subscribers, with the interest accruing at the time of sale; and such was the favour in which the stock was held by this community that it has all been subscribed and taken except 512 shares, or 51,200 dollars.

Your memorialists beg leave further to represent, that whilst they were thus pursuing the duties assigned them and the obligations required of them by the law in successfully aiding the operations of trade and commerce, and promoting the interests and welfare of the stockholders, a state of things had been created in the states to the north of Virginia, with which our commercial communications are intimate, as to threaten the peaceful and successful course of their business; and it was not long before these apprehensions were realized by a constant and increasing demand through the agency of brokers on their specie capital for transportation and export. To such an extent was this drain carried that in the course of a few months they sustained demands of this character for between 200 and 250,000 dollars in coin; and so great was the avidity with which the notes of this bank were sought after, that in the vicinity of this place a premium was paid for them in the issues of the distant branches of the Virginia banks for the sole purpose of withdrawing specie from the vault, and not for the purposes of legitimate trade and commerce.

Your memorialists perceiving from this state of things that the usefulness of the institution must be much diminished unless its exhausted stock of specie could be speedily recruited, made application early in the month of October to the treasurer of the commonwealth for payment of the state's subscription on 1038 shares of stock, amounting to 103,800 dollars, (to put the state on an equal footing with the private stockholders, as by provision of law required,) but failing in this application for want of "funds in the treasury applicable to the payment,"

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they were reluctantly compelled on the 16th day of the same month to submit to a partial suspension of specie payments for the present as a measure of protection and justice to the depositors and dealers with the bank.

They further respectfully represent that the capital now subscribed and taken amounts to 1,748,800 dollars, and is held as follows:

By the state, - - -	900,000	dollars.
By the citizens of Norfolk and vicinity,	563,800	"
By the citizens of Richmond, -	103,900	"
By the citizens of Petersburg, -	71,000	"
By the citizens of Clarkesville, -	110,100	"

Of this amount of capital subscribed and taken, there has been paid in up to this period $ 1,583,112 81, and is assigned as follows:

To Norfolk,	587,112 81	capital.
To Richmond,	415,000	"
To Petersburg,	415,000	"
To Clarkesville,	166,000	"

Leaving an amount due by the state on its subscription of $ 155,000, and by individual subscribers of $ 10,687 19 cents. Of the moiety of the capital subscribed by the treasurer on behalf of the commonwealth, $ 450,000 were paid in United States treasury drafts; $ 295,000 in 6 per cent. state stock, the treasurer being unable to realize the money from its sale at par, of which $ 277,350 remains on hand a dead weight, and forms a part of the capital assigned to and retained at Norfolk, leaving $ 309,762 81 as the active capital of the bank at *this* place, and less by $ 105,237 19 assigned each to the branches at Richmond and Petersburg; thereby placing the respective branches on the most efficient footing. $ 17,650 only of the state stock have been disposed of, which was sold at par to 2½ per cent. advance, the premium obtained forming a part of the profit of the bank: the residue of the stock will be realized so soon as it can be with advantage to the bank and to the public. To have forced a sale at any period since its receipt, would have resulted in heavy loss.

The bonus on the half yearly dividends of January and July has been converted into 59 shares of stock in the "name of the commonwealth for the benefit of the Fund for internal improvement," and the dividends paid into the treasury on 7450 shares amount to $ 26,189 31. The stock of the bank, exclusive of that owned by the state, is held by 357 persons in various amounts of from 1 to 600 shares, averaging 23 or 24 shares to each individual, and have cost them about $ 105 per share. The excess above its par value of $ 100 formed a part of the general profits of the institution, from which the dividends have been derived.

For a more minute and particular statement of the operations of the bank, and its condition at the respective periods required by law, they beg reference to the quarterly statements transmitted to the executive of the state, by which it will be seen that all their operations have been strictly within the requisitions of the law: and if some such protection was granted to this institution as exists in the state of Georgia against the demands of brokers and money changers, no embarrassment could ever occur in its business operations; and with such protection, this bank could instantly resume specie payments.

They moreover respectfully represent that the public convenience would be greatly promoted by granting permission to this bank to issue notes of the denomination of five dollars, and they ask of your honourable body such present relief in the case, and such protection against future foreign demands for specie, as in your wisdom it may seem proper to authorize and provide.

At a meeting of the board of directors of the Exchange bank of Virginia on Saturday the 23d day of November 1838, the preceding memorial to the general assembly of Virginia was unanimously adopted; and that the senator from this district and the representative from this borough be requested to present the same to their respective houses.

JNO. SOUTHGATE,
President pro tem.

Norfolk, November 27th, 1839.

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[DOC. No. 13.]

ANNUAL REPORT

OF THE

PRESIDENT AND DIRECTORS OF THE PENITENTIARY.

EXECUTIVE DEPARTMENT, December 18, 1839.

SIR,

I transmit herewith the annual report of the president and directors of the penitentiary institution for the present year, which be pleased to lay before the house of delegates.

Very respectfully,

Your obed't serv't,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

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REPORT OF THE BOARD OF DIRECTORS.

RICHMOND, December 12th, 1839.

SIR,

In conformity to law I have the honour to transmit herewith the annexed statement of the board of directors of the penitentiary, exhibiting the fiscal affairs and condition of the institution during the present year, and request that the same may be laid before the general assembly.

The accompanying documents afford the information required by law:

The statement A. exhibits the final settlement of the accounts of Douglas B. Layne, the late general agent.

The statement B. contains the letter of James G. Watson, present general agent, enclosing his account current for the present year.

Document C. is the report of Charles S. Morgan, the superintendent of the institution, enclosing the documents required by law, viz: I. to X.

No. (I.) contains the account current of the institution for its fiscal year commencing the first of October 1838, and terminating the 30th September 1839.

No. (II.) exhibits the occupations and trades of the prisoners of the different wards, and the results of their manufacturing operations.

No. (III.) A table of the prisoners on the 30th of September 1838, and the number received, pardoned, died and discharged during the year ending on the 30th September 1839.

No. (IV.) The number of prisoners received during the same time.

No. (V.) The number on the 30th of September 1839, and their crimes and sentences.

No. (VI.) The nativity of the prisoners.

No. (VII.) Their ages at the time received.

No. (VIII.) The admittances into the hospital, and the loss by sickness in each ward.

No. (IX.) The number of prisoners received since 1800, with the pardons, deaths, escapes, and discharged since.

No. (X.) Their condition and employment on the 30th November 1839.

The document D. contains the report of the physician and superintendent.

The board of directors take pleasure in stating that the changes in the diet of the prisoners authorized to be made by the act of the last general assembly, have produced a happy effect in improving the health of the convicts, and they believe as soon as the improvement contemplated by that act shall have been completed the beneficial effects upon the institution in other respects will be more manifest.

The report of the superintendent will shew the progress of the improvements contemplated by that act, and the reasons why they have not yet been completed. By this report the pleasing fact is also exhibited that the amount of the earnings of the prisoners for the present year has been greater than the average amount for the preceding ten years.

The board are still of opinion that many of the prisoners, and particularly those confined for transportation, might be advantageously employed in the occupation of stone cutting, if this branch of the business were introduced into the institution. It is one of the most lucrative employments now carried on in this city, and one in which there is less competition than in almost any other manufacture. The short period for which the transports are generally confined precludes their employment in any branch of manufacture which requires long practice to attain the skill requisite to render the artisan useful; but it is believed that those prisoners who are confined for short periods, and who have no particular trade, and those who are confined for transportation, might be advantageously employed in this occupation. There is no place within the walls of the institution suitable for carrying on this manufacture, besides the transportation of the heavy material would be too great, therefore the board have thought it inexpedient to commence it, but if they were vested with the discretion to employ the transports and such of the convicts whose terms were of short duration in this way near the building outside its walls, under suitable guards and restrictions, they believe the institution would be greatly benefitted, and the profits of the labour of this description of convicts greatly enhanced. They therefore reiterate the recommendation that this branch of industry may be authorized to be introduced.

I am, very respectfully,
Yours, &c.,

CHARLES ELLIS,
Pres't Board of Directors.

His Excellency David Campbell.

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(A.)

The COMMONWEALTH OF VIRGINIA, *In Account Current with* DOUGLAS B. LAYNE, *late General Agent and Storekeeper of the Penitentiary.*

1839.		1838.	
Sept. 30—To cash paid over to J. G. Watson, agent penitentiary, by order of the board directors, - - -	1,510 95	Sept. 30—By balance due the commonwealth by last annual report, - -	1,510 95
	$1,510 95		$1,510 95

E. E.

D. B. LAYNE, *Late Agent.*

(B.)

TO THE BOARD OF DIRECTORS.

GENTLEMEN,

Herewith I communicate the closing statement of Mr. Layne's accounts as late agent of the penitentiary, and also my own general statement of the mercantile transactions of the store for the year ending the 30th September last, to be laid before the general assembly. It will be seen that within the year payments have been made for raw materials, &c., to the amount of $36,063 48 cents, and into the treasury of the state $8000, making in all $44,063 48 cents, and that the balance of goods, accounts, &c., on hand was less by $5132 07 at the end than at the beginning of the year. The sales, in consequence of a smaller amount of manufactures being delivered, and the difficulty of making them with safety, were not as large as they were last year.

From present appearances I am satisfied that within the current quarter they will exceed the deliveries by several thousand dollars.

All of which is respectfully submitted.

JAMES G. WATSON,
Agent, &c., Penitentiary.

December 7th, 1839.

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The COMMONWEALTH OF VIRGINIA, *In Account Current with* JAMES G. WATSON, *General Agent and Storekeeper of the Penitentiary.*

1839.			1838.		
Sept. 30—To amount of raw materials furnished the penitentiary within the fiscal year, per quarterly settlement,		33,861 95	Sept. 30—By balance due the commonwealth, per last report,		18,522 44
To amount contingent expenses of the penitentiary for the same period,		2,025 84	1839.		
To amount paid for permanent improvement,		175 69	Sept. 30—By amount of manufactures, &c., received from the penitentiary within the fiscal year,		41,459 62
To amount contingent compensation paid assistant keepers pursuant to an act of the general assembly of the 23d March 1836,		800 00	By amount of manufactures sold at an advance on the invoice price, per statement,		9 90
To 8 per cent. commission on $38,287 01, sales for the year less by $295 32, amount of account for supporting United States prisoners, on which no commission is allowed,		3,039 34	By cash received from D. B. Layne, late agent of the penitentiary, being the balance due from his agency to the commonwealth,		1,510 95
To 8 per cent. commission on $2475 15, amount manufactures furnished the lunatic hospitals,		198 01			
To amount discount on manufactures, by order of the board,		11 71			
To amount paid into the treasury of Virginia, per auditor's receipt,		8,000 00			
To balance,		13,390 37			
		$61,502 91			$61,502 91
			1839.		
			Oct. 1—By balance of manufactures on hand per inventory,	9,804 89	
			Ditto of notes and accounts,	3,585 48	
					13,390 37

E. E.

JAMES G. WATSON, *General Agent and Storekeeper of the Penitentiary.*

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(C.)

SUPERINTENDENT'S REPORT.

PENITENTIARY OF VIRGINIA,
DECEMBER 6th, 1839.

To the Board of Directors.

GENTLEMEN,

In the last annual report of the physician and myself to the general assembly it became our duty to state that there were probably a full moiety of the prisoners labouring under the effects of a scorbutic tendency, to a greater or less degree, which in many instances was rapidly impairing the health, and would shortly unless removed destroy the constitutions of those affected. The remedy then proposed and concurred in by the board was happily adopted in the provisions of the act of the last general assembly of the 28th of March entitled "an act concerning the penitentiary." The important provision authorizing the board to change and regulate the diet, and cause it to be purchased by the general agent or superintendent was carried into effect on the first day of April, the day on which a contract for the year's provisions would have been made under the former law. It gives me great pleasure to state that under the present plan of dieting, the scorbutic tendency to which the inmates had been so long and severely exposed has been entirely removed, with most of the bad effects alluded to in the last report. At present the superintendent is charged by the board with the purchase of provisions suitable to the condition of the prisoners, and in issuing the rations to alternate or change the component parts with a view to preserve health and strength, and fit the unfortunate subjects of the law to render that service which in their penitential probation is reckoned in a physical and moral point of view to be advantageous to themselves and proper in rendering vice tributary for its own restraint and punishment. Under the former law a contract for furnishing the rations by the year was given to the lowest bidder, to commence on the 1st day of April, the component parts being fixed at the time, subject however to proper restraints, alterations, &c. The contract being made on speculation it was neither so convenient nor proper to change the diet (being sometimes to the manifest loss of the contractor) as it now is when there is no opposing interest. It is now a question between humanity and a proper economy in the administration of the law, and is always subject to the immediate revision of the physician and board should the superintendent at any time err on either side.

From the 1st of October 1838 to the 31st of March 1839, the first half of the fiscal year, there were purchased by the late contractor 31,650 rations, which cost $2528 83 cents; and from the 1st of April to the 30th September last, the latter half of the year, there were purchased 33,934 rations, costing $2286 48 cents, including onions and potatoes raised by the prisoners to the value of $97 62 cents, making for the last half year $2384 10 cents, being several hundred dollars less than they would have cost under the lowest bid laid before the board for their approval on the first of April. Economy was not so much the object of the change as the preservation of health, still however it is proper to give due weight to both. The other provision of the act of last session connected with this subject (enclosing and cultivating the public ground) has not been fully carried into effect. The law passed late in the session, and the grounds required so much grading, leveling, &c., that it was impossible with our force to put them in a condition suitable for cultivation last spring. Fencing immediately was not therefore material, and it was found most prudent to employ the slaves in custody for sale and transportation in leveling the grounds during the summer, and to divert the labour of those competent to build the fence as little as might be convenient from the ordinary manufactures until the enclosure became necessary. The best part of the ground has accordingly been put in order for cultivation the coming season, and the enclosure is in progress and will be completed in due time. The labour employed in preparing the public grounds and opening the ways to give convenient access to the city amounted to 2074 days, mainly by the transports, and 234½ days work of horses. Estimating the former at fifty cents per day and the latter at seventy-five would make $1212 87 cents, a sum less than the work could have been executed for by contract. The hire of the horses having been paid for in manufactures makes the whole operation the result of labour. The cost of the posts and rails, and labour bestowed on materials for the enclosure, before the first of October, with the labour just mentioned, have been charged in the proper accounts, but the whole cost cannot be given until after the completion of the work.

An experiment was made in cultivating a small piece of ground adjoining *that* belonging to the commonwealth, from which 25¼ bushels of onions and 95½ bushels of potatoes were produced. The former were worth

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one dollar per bushel, and the latter seventy-five cents, at the time they were used, making $97 62 cents. Indeed they could not have been purchased in the market for that price. We expended in this experiment $29 60 cents, and 45 days labour of invalid prisoners, who could not otherwise have earned any thing of value. I am satisfied from the course of dieting the prisoners during the summer and this experiment that the plan of cultivating the public grounds will prove greatly beneficial to the institution, and that the expenses incurred in fencing and reclaiming the grounds, which were formerly excavated for bricks and washed too uneven for use, will more than be repaid by its products in a few years.

The whole number of days of imprisonment in the year was 69,255, or equal to an average of 190 persons per day. The time lost by sickness amounted to 2748 days, and that by solitary confinement to 848, in all 3596 days. Solitary confinement is now adopted only for six or eight days at the commencement and end of each person's term, and sometimes as a punishment for offences committed in prison. The actual amount earned by the prisoners in the year, was

By ward No. 1, shoemaking, tailoring, &c., - - -	5,805	02
" " No. 2, blacksmithing, nailoring, &c., - - -	3,543	92
" " No. 3, weaving, carding, spinning, &c., - -	4,672	42
" " No. 4, carpentering, wheelwrighting, &c., - -	6,269	96
	$20,191	32

The earnings was therefore equal to $106 26 cents per annum for each person male and female, sick and well. The amount earned per person for the last ten years has been from about $98 up to $118, and the average less than the result of this year. See the general statement for the operations of the institution made up according to law. which exhibits better results than it did last year. The number of persons employed in each ward depends upon the condition, capacity, &c. of the prisoners as they are received, so that the above earnings form no basis of comparison, without referring to the actual number of days work done in the year by each ward.

I have felt it my duty for several years to suggest alterations in the criminal laws, with a view to more efficient and economical punishments, and at the same time more humane and less destructive of human life. As the subject has been referred to a gentleman of eminent attainments, and is probably under consideration, it becomes me only to remark that the opinions I formerly expressed remain unchanged. There is one evil, however, of no inconsiderable consequence, which it may be proper to consider, and if practicable to provide against. It is the collusion of discharged convicts in this city and in Manchester for purposes of fraud and felony. The persons and property of the officers and guards of the penitentiary have been threatened, and in some instances sought after for vengeance. This is the least of the evil. Plans of robbery, larceny, and of receiving stolen goods from negroes and others have been carried on with some degree of success. Unless means can be adopted for arresting the progress of these collusions they will inevitably become formidable in the environs of Richmond and Manchester and dangerous to the country. How far it may be practicable or proper to disperse them is well worthy of consideration. An allowance is made by the governor in money sufficient to carry them to the places of conviction, and yet it is too frequently made the means of support in the city and environs while forming plans of fraud and felony, and in corrupting the negroes. This subject was partially considered some years ago by the house of delegates but no measure adopted.

It will be seen by reference to the reports of this and last year that the aggregate amount of manufactures (as was anticipated) has been diminished, and it is probable they will be still less in the current year. This occurs as well from the discharge of good workmen and the receipt of those who are inefficient, as from fluctuations in the value of materials and manufactures. The profits on labour however have not been materially affected by this diminution. Although the price of manufactured articles was not so high, nor the amount so great, the diminished price of raw materials was such as to leave a better balance in favour of the operations than we had last year.

Respectfully,

CHARLES S. MORGAN.

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(I.)

DR. THE PENITENTIARY, *In Account with*

1838—Oct. 1—To amount raw materials on hand per inventory this date, -		6,292 23		
To do. machinery, tools, &c., - - -		5,104 98		
To do. raw materials on which labour has been expended, -		1,498 10		
To do. articles of contingency, - - -		2,763 48		
		15,658 79		
To do. manufactured articles, - - -		6,083 61		
				21,742 40
1839—Sept. 30—To this amount raw materials purchased and delivered at the penitentiary by the general agent, from the 1st of October 1838 to this date, - - -			-	33,861 95
To this amount paid compensation of the board of directors, same period, - - - -			-	705 00
To salaries of superintendent and other officers, (including the physician,) - - - -			-	7,450 00
To amount contingent compensation of assistant keepers, pursuant to an act of the general assembly, passed March 3d, 1836,			-	800 00
To do. contingent expenses of the penitentiary, -		1,006 43		
To do. hospital stores, - - -		459 61		
To do. paid discharged convicts, - - -		559 80		
				2,025 84
To the commonwealth for rations furnished prisoners and transports by Thomas T. Johnson, (former contractor,) from the 1st October 1838 to 31st March 1839, - -		2,528 83		
To do. do. purchased by the superintendent by order of the board, from April 1st to this date, after deducting $183, provisions on hand, - - -		2,286 48		
To amount for onions and potatoes raised by the prisoners, as per contra, - - - -		97 62		
				4,912 93
To do. discounts by order of the board, - -			-	11 71
To balance in favour of manufacturing operations, -			-	3,390 57
				$74,900 40
Balance brought down, - - - -		3,390 57		
This amount for commissions and contingent expenses of penitentiary store, - - - -		3,237 35		
				153 22
This amount for transportation of convicts, - -		6,776 10		
Do. for guard for interior of the penitentiary, -		1,440 00		

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THE COMMONWEALTH OF VIRGINIA, *CR.*

1839—Sept. 30—By amount cash sales made at the penitentiary from the 1st October 1838 to this date, - - -	4,716 84		
By do. accounts job work, &c. - - -	11,844 87		
By do. articles delivered the agent during the week, -	9,036 84		
By do. delivered the agent weekly in presence of the board,	15,861 07		
		41,459 62	
By this amount clothing, &c. furnished lunatic hospital at Williamsburg,		844 10	
By do. do. do. at Staunton,		1,631 06	
By the commonwealth for clothing, &c. furnished prisoners and transports from ward No. 1,	969 05		
By do. do. discharged convicts, - -	155 62		
By do. do. cloth, &c. furnished prisoners from ward No. 3, - - -	1,424 50		
		2,549 17	
By do. do. this amount for materials furnished, repairs, improvements, &c. ward No. 2, -	492 84		
By do. do. ward No. 4, (including coffins,) -	706 83		
		1,199 67	
By amount contingencies ward No. 1, - -	31 42		
By do. do. ward No. 2, - -	32 37		
By do. do. ward No. 3, - -	62 98		
By do. do. ward No. 4, - -	63 01		
		189 78	
By do. permanent improvements paid by general agent, -	-	175 69	
By do. materials furnished and labour on front building, ward No. 4, - - - - -	-	163 25	
By do. for onions and potatoes raised by the prisoners, as per contra, - - - - -	-	97 62	
By do. of increase in price of oznaburgs, &c. -	-	9 90	
By do. raw materials on hand per inventory this date,	10,484 87		
By machinery, tools, &c. - - -	5,040 14		
By raw materials upon which labour has been expended, -	1,498 15		
By articles of contingency, - - -	3,161 23		
	20,184 39		
By amount manufactured articles, - - -	6,396 16		
		26,580 55	
		$74,900 40	
1839—Oct. 1—By balance in favour of manufacturing operations, -	-	$3,390 57	

C. S. MORGAN, *Superintendent.*

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(II.)

DR. *Manufacturing Operations of the*

1838—Oct. 1—To amount stock on hand this day,				3,495 65
1839—Sept. 30—To do. raw materials,				14,824 61
To do. furnished from ward No. 2,		267 50		
To do. from ward No. 3,		828 45		
To do. from ward No. 4,		170 55		
To 32 bushels coal 17½c.,		5 60		
				1,262 10
To balance in favour of manufacturing,				5,805 02
				$25,387 38

DR. *Manufacturing Operations of the*

1838—Oct. 1—To stock on hand this day,				4,855 85
1839—Sept. 30—To amount raw materials,				6,436 85
To do. furnished from ward No. 1,		13 75		
To do. from ward No. 3,		3 87		
To do. from ward No. 4,		77 80		
To 4301 bushels coal 17½c.,		752 67		
				848 09
To balance,				3,643 92
				$15,684 71

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Shoe and Tailor's Apartment, Ward No. 1, CR.

1839—Sept. 30—By amount manufactured articles and cash for sales made at the penitentiary delivered general agent, viz:			
7447 pairs boots and shoes, - - -	10,289 00		
1081 coats, pantaloons, vests, &c., (including clothing for the public guard,) - - - -	4,069 00		
By amount for collars, cart saddles, breeching bands, bridles, harness, &c., - - - -	2,147 00		
By amount job work, mending, &c., - - -	3,184 24		
		19,689	24
By commonwealth's account for clothing, shoes, &c., furnished prisoners, - - - - -	969 05		
By do. do. discharged convicts, - - -	155 62		
By raw materials, &c., furnished ward No. 2, - -	13 75		
By do. do. do. ward No. 3, - -	4 55		
By do. do. do. ward No. 4, - -	31 27		
By contingent account, - - - -	31 42		
		1,205	66
By amount stock on hand per inventory, - - -		4,492	48
		$25,387	38

Blacksmith's and Nailor's Apartment, Ward No. 2, CR.

1839—Sept. 30—By amount manufactured articles and cash for sales made at the penitentiary delivered general agent, viz:			
9243 lbs. nails, - - - -	1,253 48		
3354 lbs. spikes, - - - -	355 57		
By job work, - - - - -	2,557 90		
		4,166	95
By commonwealth's account, - - -	492 84		
By contingent account, - - - -	32 37		
By raw materials, &c., furnished ward No. 1, - -	257 50		
By do. do. ward No. 3, - -	10 27		
By do. ironing wagons, carts, drays, &c., ward No. 4, -	4,581 32		
		5,374	30
By amount stock on hand per inventory this date, - -		6,143	46
		$15,684	71

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DR. *Manufacturing Operations of the*

1838—Oct. 1—To amount stock on hand this day,					5,583 99
1839—Sept. 30—To do. raw materials,					5,998 16
To do. furnished from ward No. 1,			4 55		
To do. from ward No. 2,			10 27		
To do. from ward No. 4,			37 63		
					52 45
To balance,					4,572 42
					$16,207 02

DR. *Manufacturing Operations of the*

1838—Oct. 1—To amount stock on hand this day,					5,043 43
1839—Sept. 30—To do. raw materials,					4,041 29
To do. furnished from ward No. 1,			31 27		
To do. ironing wagons, carts, drays, &c. from ward No. 2,			4,681 32		
To do. do. from ward No. 3,			68 51		
					4,681 10
To balance,					6,269 96
					$20,035 78

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Weaving, &c. Apartment, Ward No. 3, *CR.*

1839—Sept. 30—By amount manufactured articles and cash for sales made at the penitentiary delivered general agent, viz:			
Manufacturing and weaving 31,250 yards of cloth for customers and for sale, - - - -	7,428 80		
Carding wool, - - - -	88 00		
			7,516 80
By amount commonwealth's account for cloth furnished for prisoners' clothes, &c. - - - -	1,424 50		
By contingent account, - - - -	62 98		
By manufactured articles, &c. furnished ward No. 1, -	828 45		
By do. do. do. ward No. 2, -	3 87		
By do. do. do. ward No. 4, -	68 51		
			2,388 31
By amount stock on hand per inventory this date, - - -			6,301 91
			$16,207 02

Carpenter's and Cooper's Apartment, Ward No. 4, *CR.*

1839—Sept. 30—By amount manufactured articles and cash for sales made at the penitentiary delivered general agent, viz:			
185 wagons, carts, drays and wheelbarrows, 162 refrigerators, wheat fans, wardrobes, meat safes, &c. 2927 flour barrels,	11,100 00		
Job work, - - - -	1,235 24		
			12,335 24
By commonwealth's account, - - -	706 83		
By contingent account, - - -	63 01		
By raw materials, &c. furnished ward No. 1, - -	170 55		
By do. do. ward No. 2, - -	77 80		
By do. do. ward No. 3, - -	37 63		
By labour, materials, &c. on front building, - -	163 25		
			1,219 07
By stock on hand per inventory this date, - -			6,481 47
			$20,035 78

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(III.)

A TABLE

Shewing the number of Prisoners remaining in the Penitentiary of Virginia on the 30th September 1838; *the number received, pardoned, died and discharged from that day until the 30th September* 1839, *with the number remaining on the latter day, &c. &c.*

On the 1st day of October 1838 there were in prison:				
White men,	120			
White women,	2			
		122		
Coloured men,	48			
Coloured women,	9			
		57		
			179	Total.
Received from 1st October 1838 to the 30th September 1839:				
White men,	45			
White women,	2			
		47		
Coloured men,	21			
Coloured women,	2			
		23		
			70	
Pardoned, died and discharged from 1st October 1838 to 30th September 1839:				
White men pardoned,		5		
White men died,	19			
Coloured men died,	6			
		25		
White men discharged,	29			
Coloured men discharged,	5			
White woman discharged,	1			
Coloured women discharged,	2			
		37		
			68	
Increase,			2	
Number remaining in prison on the 30th September 1839:				
White men,	112			
White women,	3			
		115		
Coloured men,	58			
Coloured women,	8			
		66		
			181	Total.

Increase of coloured persons,	-	9
Decrease of white persons,	-	7

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(IV.)

Of the number of Prisoners received in the Penitentiary from 1st October 1838, to the 30th September 1839, there were

For murder second degree,	-	-	7
voluntary manslaughter,	-	-	3
maiming,	-	-	1
unlwful stabbing,	-	-	2
" shooting,	-	-	2
rape,	-	-	3
arson,	-	-	1
burglary and larceny,	-	-	4
robbery and larceny,	-	-	1
horse stealing and larceny,	-	-	1
horse stealing,	-	-	7
Carried up,	-	-	32

Brought up,	-	-	32
For grand larceny,	-	-	19
stealing bank notes,	-	-	7
forgery,	-	-	5
passing counterfeit bank notes,		-	1
" " coin,	-	-	1
enticing slaves to abscond,	-	-	1
buggery,	-	-	1
bigamy,	-	-	1
felony,	-	-	1
embezzlement,	-	-	1
Total,	-	-	70

They were sentenced as follows:

2 for	18 years,		making	36 years.	
3 "	10 "		"	30 "	
1 "	9 "		"	9 "	
4 "	7 "		"	28 "	
1 "	6 "		"	6 "	
32 "	5 "		"	160 "	
1 "	4 "		"	4 "	
3 "	3 "		"	9 "	
1 "	2 "	6 months,	"	2 "	6 months.
22 "	2 "		"	44 "	
70				328 years 6 months.	

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(V.)

The Number of Prisoners confined in the Penitentiary on the 30th September 1839, their Crimes and Sentences.

No.	CRIMES.	Sentence.	No. of offence.
		Years.	
6	For murder, 2d degree, -	18	
1	Do. do. - -	16	
1	Do. do. - -	15	
1	Do. do. - -	14	
1	Do. do. - -	12	
2	Do. do. - -	10	
2	Do. do. - -	9	
1	Do. do. - -	7	
2	Do. do. - -	5	
1	For voluntary manslaughter, -	10	
1	Do. do. - -	9	
2	Do. do. - -	7	
1	Do. do. - -	6	
3	Do. do. - -	5	
1	Do. do. - -	3	
2	Do. do. - -	2	
2	For maiming, - - -	5	
3	For unlawful stabbing, - -	7	
1	Do. do. - -	5	
3	Do. do. - -	2	
3	For unlawful shooting, - -	2	
3	Rape, - - -	10	
1	Bigamy, - - -	4	
1	Arson and prison breaking, -	6½	
1	Arson, - - -	3	
1	Do. - - -	2	
1	Burglary, - - -	8	
1	Do. - - -	5	
1	Burglary and larceny, -	18	
1	Do. do. - -	10	
1	Do. do. - -	7	
4	Do. do. - -	5	
1	Do. do. - -	2	
1	For Highway robbery, - -	Life,	4th offence.
1	Robbery and larceny, -	7	
1	Robbery, - - -	10	
2	Robbing mail, - -	10	
1	Slave stealing & horse stealing,	7	3d offence.
63	Carried up.		

No.	CRIMES.	Sentence.	No. of offence.
		Years.	
63	Brought up.		
1	For slave stealing, - -	5	
1	Do. do. - -	4	
2	Do. do. - -	3	
3	For horse stealing, - -	Life,	2d offence.
1	Do. do. - -	8	
2	Do. do - -	6	
18	Do. do. - -	5	
1	For horse stealing and larceny, -	Life,	2d offence.
2	Grand larceny, - -	Life,	2d offence.
1	Do. do. - -	18	
3	Do. do. - -	10	2d offence.
1	Do. do. - -	10	
2	Do. do. - -	7	
25	Do. do. - -	5	
1	Do. do. - -	3	2d offence.
1	Do. do. - -	3	
2	Do. do. - -	2½	
18	Do. do. - -	2	
4	For stealing bank notes, -	5	
5	Do. do. - -	2	
1	For passing counterfeit bank notes,	Life,	2d offence.
4	Do. do do. -	10	
1	Do. do. do. -	5	
1	Do. do. do. -	3	
1	Do. do. check,	2	
1	Do. do. money,	10	
1	For receiving stolen goods, -	5	
1	Enticing slaves to abscond, -	5	
1	Do. do. do. -	4	
2	Do. do. do. -	2	
2	For forgery, - - -	5	
4	Do. - - -	2	
1	For buggery, - - -	2	
1	Embezzlement, - -	5	
1	Felony (burning stacks,) -	10	2d offence.
1	Do. - - -	5	
181	Total.		

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(VI.)

Of the number remaining in the Penitentiary September 30th, 1839, there were natives of

Virginia,	-	-	132	Brought up,	-	-	164
Pennsylvania,	-	-	6	District of Columbia,	-	-	1
New York,	-	-	4	Massachusetts,	-	-	3
New Jersey,	-	-	1	Connecticut,	-	-	2
Maryland,	-	-	7	England,	-	-	3
North Carolina,	-	-	10	Ireland,	-	-	4
South Carolina,	-	-	1	Germany,	-	-	2
Tennessee,	-	-	2	Portugal,	-	-	2
Kentucky,	-	-	1				
			164	Total,	-	-	181

(VII.)

A TABLE,

Shewing the Ages of the Convicts in the Penitentiary on the 30th September 1839, at the time they were received.

2	males were from	9 to 13 years.					
19	"	"	"	13 to 20	"	From 9 to 30 years,	114
51	"	"	"	20 to 25	"		
42	"	"	"	25 to 30	"		
17	"	"	"	30 to 35	"	From 30 to 40 "	30
13	"	"	"	35 to 40	"		
16	"	"	"	40 to 45	"	From 40 to 50 "	18
2	"	"	"	45 to 50	"		
8	"	"	"	50 to 60	"	From 50 to 80 "	9
1	"	"	"	60 to 80	"		
171							171

FEMALES.

2	females were from	17 to 20,	2		
3	"	"	"	20 to 30,	3	
3	"	"	"	30 to 40,	3	
1	"	"	"	40 to 50,	1	
1	"	"	"	60 to 80,	1	
10					10	
				Total,	-	181

(VIII.)

Admittances into the Hospital, and Number of Days lost by sickness in each Ward, with the Total Number from 1st October 1838, to the 30th September 1839.

Months.	Ward No. 1.—Admittances.	Ward No. 1.—Days lost.	Ward No. 2.—Admittances.	Ward No. 2.—Days lost.	Ward No. 3.—Admittances.	Ward No. 3.—Days lost.	Ward No. 4.—Admittances.	Ward No. 4.—Days lost.	Ward No. 5.—Admittances.	Ward No. 5.—Days lost.	Total No. Admittances.	Total No. Days lost.
1838—October,	14	116	2	29	6	54	7	110	0	0	29	309
November,	7	73	4	19	2	2	1	9	0	0	14	103
December,	8	80	5	68	7	54	5	65	2	38	27	305
1839—January,	7	109	7	90	6	23	9	69	1	13	30	304
February,	12	120	3	55	1	5	5	45	0	0	21	225
March,	10	101	3	23	5	12	5	31	2	40	25	207
April,	12	50	3	35	3	8	2	15	2	14	22	122
May,	12	88	6	26	1	3	7	51	4	41	30	209
June,	17	149	9	36	9	74	7	17	14	83	56	359
July,	9	139	1	17	9	66	7	31	5	43	31	296
August,	7	54	2	7	5	63	4	26	6	61	24	211
September,	15	56	1	2	0	0	10	30	3	10	29	98
Totals in each ward,	130	1135	46	407	54	364	69	499	39	343	338	2748

RECAPITULATION.

Ward No. 1,	130 admittances,	1135 days lost.
Ward No. 2,	46 do.	407 do.
Ward No. 3,	54 do.	364 do.
Ward No. 4,	69 do.	499 do.
Ward No. 5,	39 do.	343 do.
Total admittances,	338	2748
Days of solitary confinement,		848*
Total loss of time,		3596

* 358 days included in the above on account of two prisoners confined for attempting to burn one of the shops.

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(IX.)

A TABLE *shewing the Number of Convicts received into the Penitentiary of Virginia from the time it was opened in* 1800, *with the Pardons, Deaths, Escapes and Discharges in each Calendar year until the* 30*th November* 1839, *and the Number on that day.*

CALENDAR YEARS.	No. white males received each year.	No. white females received each year.	No. coloured males received each year.	No. coloured females received each year.	Total No. received each year of both colours.	No. pardoned each year.	No. died each year.	No. escaped each year.	No. discharged each year.	No. in prison on the 1st January each year.	No. received for 2d, 3d, and 4th offences included in the whole No received.	No. pardoned for 1st offence and afterwards convicted and year when last received.	No. pardoned for 2d offence, and again convicted and year when last received.	No. sentenced for life, and afterwards pardoned and year when pardoned.	No. sentenced for life and died in prison, and year when died.	No. under 2d, 3d and 4th sentences, (but not for life) and year when died.	No. under 2d, 3d and 4th sentences, who were discharged, and year last discharged.	No. now in prison for 2d, 3d and 4th sentences, and the time when last received.
1800, -	18	0	3	0	21	0	1	1	0	0								
1801, -	22	0	5	0	33	0	1	0	10	19								
1802, -	35	0	8	1	44	0	1	0	16	41								
1803, -	48	3	4	0	55	3	2	0	31	68	0							
1804, -	37	0	4	0	41	1	1	3	33	87	1							
1805, -	38	1	9	2	50	0	1	0	21	90	2							
1806, -	32	1	7	0	40	5	5	1	34	118	1	0	0	0	0	0	0	0
1807, -	35	1	16	2	54	17	3	0	22	113	3	0	0	0	0	0	0	0
1808, -	30	0	7	0	37	11	0	0	29	124	2	0	0	0	0	0	2	0
1809, -	36	0	4	0	40	8	1	0	31	121	5	0	0	0	0	0	2	0
1810, -	13	0	8	4	25	11	3	0	20	121	2	0	0	0	0	0	2	0
1811, -	21	4	5	3	33	10	5	0	18	112	0	0	0	0	0	0	1	0
1812, -	33	0	16	1	50	34	0	0	11	112	5	1	0	0	0	0	0	0
1813, -	30	1	18	3	52	17	5	0	33	117	0	2	0	0	0	0	3	0
1814, -	21	0	12	0	33	23	3	0	15	114	3	2	0	0	0	0	0	0
1815, -	31	0	13	1	45	9	6	0	14	106	6	0	0	0	0	0	0	0
1816, -	60	2	10	2	74	9	3	0	26	122	3	0	0	0	0	0	0	0
1817, -	58	0	19	0	77	16	9	0	39	158	4	3	1	0	0	1	5	0
1818, -	41	1	17	1	60	9	7	0	47	171	5	0	0	0	0	0	0	0
1819, -	59	1	17	3	80	12	11	0	34	168	4	0	0	0	1	2	3	0
1820, -	72	1	16	4	93	20	9	0	44	191	6	0	1	1	0	1	4	0
1821, -	61	4	14	2	81	13	15	0	55	211	1	1	0	0	0	1	2	0
1822, -	74	2	24	3	103	20	12	0	60	209	6	0	0	0	0	0	2	0
1823, -	58	1	24	0	83	12	14	0	66	220	5	1	0	0	0	1	3	0
1824, -	54	3	4	1	62	15	16	5	45	211	5	1	0	0	0	1	0	0
1825, -	34	0	*	*	34	1	23	0	47	192	1	0	0	0	2	2	3	0
1826, -	52	0	*	*	52	6	18	0	33	155	1	0	0	0	1	1	1	1
1827, -	43	0	*	*	43	4	16	0	28	151	1	0	0	0	0	1	2	0
1828, -	41	0	8	1	50	6	17	0	21	145	1	0	0	0	0	0	0	0
1829, -	41	0	12	2	55	4	21	0	24	151	1	0	0	0	0	3	1	0
1830, -	40	1	14	2	57	4	15	0	25	157	1	0	0	0	0	0	1	0
1831, -	39	0	9	1	49	5	25	0	22	170	2	0	0	0	1	1	0	2
1832, -	34	0	7	2	43	12	51	0	20	167	0	0	0	1	0	3	1	0
1833, -	28	0	9	3	40	15	11	0	24	127	1	0	0	0	0	1	1	1
1834, -	41	1	10	2	54	9	3	0	20	117	1	1	0	2	0	0	1	1
1835, -	46	1	13	3	63	2	7	0	22	139	3	0	1	0	0	0	0	2
1836, -	53	2	8	1	64	4	12	0	35	171	1	0	0	0	0	0	0	1
1837, -	44	0	26	1	71	13	7	0	37	198	5	0	0	0	0	1	0	4
1838, -	43	0	12	1	56	7	25	0	41	181	2	0	0	0	1	1	0	2
1839, -	39	1	16	2	58	6	17	0	33		4	1	0	0	2	0	0	4
	1641	32	438	54	2155	374	402	10	1186		91	13	3	4	9	21	40	16

Number in prison on the 30th November 1839, - - 183.

* **During these years the law prescribed transportation for free persons of colour.**

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(X.)

REPORT *of the Condition and Employment of the Persons in the Penitentiary of Virginia on the 30th November* 1839.

		No. sentences for two years.	No. between two and three, and for three.	No. for four years.	No. for five years	No. for six years.	No. between six and seven, and for seven.	No. for eight years.	No. for nine years.	No. for ten years.	No. for twelve years.	No. for fourteen years.	No. for fifteen years.	No. for sixteen years.	No. for eighteen years.	No. for life	Totals.	
Number of white men,		39	7	2	62	3	4	1	2	16	1	0	1	1	4	4	113	
Number of coloured men,		3	1	1	36	0	8	0	1	2	0	0	0	0	1	3	59	
Total number of men,		42	8	3	64	3	12	1	3	18	1	0	1	1	8	7	172	
Ward No. 1.	Shoe and boot making,	11	1	0	11	0	2	0	0	4	1	0	0	0	0	0	30	47
	Harness making,	0	1	0	1	0	0	0	0	2	0	0	0	0	0	0	4	
	Tailoring,	5	1	1	4	0	2	0	0	0	0	0	0	0	0	0	13	
	Blacksmithing,	2	0	1	2	0	0	0	0	2	0	0	0	0	2	0	9	
Ward No. 2.	Striking,	1	0	0	7	1	0	0	1	0	0	0	0	0	0	0	10	30
	Nailering,	3	1	0	4	0	1	0	0	0	0	0	0	0	1	0	10	
	Fireman for engine,	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	
Ward No. 3.	Warping,	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	38
	Weaving,	4	1	0	8	0	2	0	0	2	0	0	1	0	0	2	20	
	Quilling and spooling,	2	0	0	2	0	1	0	0	0	0	0	0	0	0	1	6	
	Wool carding,	2	0	0	0	0	0	0	0	1	0	0	0	0	0	0	3	
	Wool spinning,	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	2	
	Wool splicing and picking,	3	0	1	1	0	0	0	0	0	0	0	0	0	0	0	5	
	Fuller and washer,	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Ward No. 4.	Wheelwrighting,	2	0	0	0	0	0	0	0	1	0	0	0	0	2	0	5	24
	Carpentering,	3	0	0	4	2	0	0	0	1	0	0	0	0	0	0	10	
	Coopering,	1	0	0	5	0	1	0	0	1	0	0	0	0	0	1	9	
Ward No. 5.	Yard hands and pumpers,	1	1	0	4	0	1	0	0	0	0	0	0	1	0	0	8	33
	Runners,	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
	Nurses,	1	0	0	0	0	1	0	0	1	0	0	0	0	0	0	3	
	Cooks,	0	0	0	0	0	0	0	1	0	0	0	0	0	1	2	4	
	Clerk,	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
	Invalids,	1	0	0	9	0	1	1	0	2	0	0	0	0	1	1	16	
Total number of men,		42	8	3	64	3	12	1	3	18	1	0	1	1	8	7	172	
White women engaged in sewing, &c.		0	0	0	1	0	0	0	0	0	0	1	0	1	0	0	3	
Coloured women binding shoes, picking wool, &c.		1	0	0	4	0	0	0	0	3	0	0	0	0	0	0	8	
Total of all colours and both sexes,		43	8	3	69	3	12	1	3	21	1	1	1	2	8	7	183	
Number of slaves for transportation,		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	200

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(D.)

PHYSICIAN AND SUPERINTENDENT'S REPORT.

To the General Assembly of Virginia.

In obedience to an act of the general assembly the undersigned report that from the 1st of January to the 30th November last there have occurred in the penitentiary 18 deaths, 17 among the convicts and one transport. For a detailed statement see the table following this report.

The number of deaths has been large, and resulted with a very small exception from chronic diseases. The scurvy which until recently has existed to a very great extent among the prisoners, produced such prostration of the vital powers that the constitutions of those affected were so entirely broken down by it that its victims sunk under diseases which under ordinary circumstances they would have successfully resisted. We are gratified in stating that *that* disease has almost if not entirely disappeared, and that the health of the prisoners generally is now and has been for a few months past as good if not better than for many previous years. When the beneficent provisions of the last legislature shall have been fully carried out we have great confidence that they will tend essentially to the improvement and preservation of the health of the convicts.

Very respectfully,

Your obedient servants,

LEWIS W. CHAMBERLAYNE, *M. D.*
C. S. MORGAN, *Supt.*

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[Doc. No. 13.]

A STATEMENT *of the number of Deaths, with the causes thereof, &c., which have occurred in the Penitentiary of Virginia from the 1st of January to the 30th November* 1839.

NAMES.	When received at the prison.	From what county.	Sentence.	When died.	The cause of death.	REMARKS.
George Winn, col'd,	1836, Jan'y 27,	City of Richmond,	5 years,	18th Jan'y 1839,	Chronic Diarrhœa,	Constitution broken down before his admission.
Jesse Norris, col'd,	1833, July 20,	Campbell,	15 "	10th Feb'y "	Dropsy of the chest,	A long time in bad health.
Moses Hall, -	1836, Feb'y 1,	Kanawha,	10 "	7th March "	Chronic Diarrhœa,	Do. do.
John H. Taylor, -	1834, Sept'r 10,	Caroline,	6 "	17th do. "	Gangrene of the lungs,	Do. do.
John Willis, -	1837, Oct'r 3,	Princess Anne,	2 "	13th May "	Consumption.	
Hugh M'Cormick, -	1836, April 26,	Buckingham,	20 "	4th July "	Congestion of the brain,	Mind affected by the length of sentence.
John Ashby, col'd,	1837, Nov'r 10,	York,	18 "	9th July "	Consumption,	Both a long time sick.
Edward Johnson, -	1837, April 9,	Clarke,	12 "	11th do. "	Do.	
Wm. White, col'd,	1835, Aug't 14,	Rappahannock,	10 "	12th do. "	Inflammation of the bowels,	He had a disease of the liver and subsequently dropsy.
John Tucker, -	1835, June 1,	Greenbrier,	Life,	5th August "	General decay of the vital powers,	Despondency produced his death and he died by inches, without any evident disease.
Michael Sykes, -	1835, June 16,	Norfolk Co.	5 years,	23d do. "	Chronic Diarrhœa,	A long time sick and very despondent.
Wm. H. Dorsey, -	1837, Oct'r 25,	Albemarle,	5 "	29th do. "	Consumption,	Had the disease when admitted, a long time sick.
James Kirk, -	1839, Jan'y 6,	Cabell,	5 "	14th Sept'r "	Apoplexy,	Dead before he could be admitted to the hospital—on examination after death a large blood vessel was found to have been ruptured.
James Collins, -	1835, May 17,	Bath,	5 "	24th do. "	Consumption,	Bad health when admitted.
Thornton Marsh, -	1838, Nov'r 11,	Washington,		26th do. "	Scrofula,	Under the disease in its worst form when admitted.
John Jones, -	1835, June 3,	Do.	10 "	27th do. "	Dropsy,	Originating in diseased liver, a long time sick.
Owen Murray, - 17	1837, Sept'r 15,	Louisa,	Life,	20th October "	Chronic Diarrhœa.	
Peter, a transport, 18	1839, April 11,	Augusta,		3d June, "	Consumption,	Laboured under the disease when admitted.

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[DOC. No. 14.]

REPORT ON CHARTERS.

RICHMOND, 19th December, 1839.

SIR,

The board of principal assessors this day adopted the following resolution: "*Resolved*, That the report made and the accompanying papers returned by the committee appointed to examine the charters of joint stock and other incorporated companies of this commonwealth, be laid before the general assembly of Virginia, now in session, in order that such amendatory or explanatory legislation may be had in regard to said charters as may be deemed necessary." In pursuance of the foregoing resolution I now communicate to the house of delegates the report and papers above referred to.

Very respectfully,

Your obedient servant,

JOSIAH HOLLEMAN,
President of the Board of Principal Assessors.

To the honourable the Speaker of the House of Delegates.

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REPORT OF THE COMMITTEE APPOINTED TO EXAMINE CHARTERS, &c.

On motion of Mr. Kemp, the general board of principal assessors adopted the following resolution:

"*Resolved*, That a committee of four be appointed to examine the charters of rail-road and other chartered companies of the commonwealth holding real estate, and report to this board which of them, if any, are exempt from taxation by virtue of said charters; and that Messrs. Harris, Wilkes, Cary and Early, be appointed said committee."

The committee to whom was referred the duty of examining the charters of all joint stock and other incorporated companies, to ascertain whether there was any provision in those charters exempting the real estate owned by them from taxation, beg leave to report: That on entering upon the duty thus assigned them they found at the very threshold that it involved questions of very grave importance; and from the multiplicity of laws touching this subject that it embraced a period in the history of our legislation almost commencing with the foundation of our government. We have sought to elucidate this subject by a careful examination of all charters and acts of incorporation, passed by the legislature of this state, from the year 1795 down to the present period.

By the 9th section of the general revenue law, it is enacted, that "no tax shall be collected on land, lots, houses, or other property belonging to this commonwealth; or to any county, town, college, houses for divine worship, or seminary of learning;" so that we need not here refer particularly to that class of charters, or any of those laws which would embrace these objects. We will however for the purpose of greater distinctness, arrange the other incorporated companies into four classes. 1. The charters in relation to turnpike roads. 2. The charters in relation to mining and manufacturing companies. 3. The charters in relation to rail-roads. And 4. The charters in relation to bridges and ferries.

1. By an act of the general assembly prescribing certain general regulations for the incorporation of turnpike companies, passed 7th February 1817, (2 R. C., p. 217, sec. 16,) it is declared, "that the *road* itself with all the tolls and profits" shall be taken and considered personal estate, and *exempted from taxation*. From the comprehensive language of this act as well as from an actual examination of the charters passed prior thereto, it is believed that there is no turnpike company in the commonwealth whose road or stock is subject to taxation. The words of the statute in respect to turnpikes are so explicit that we are at no loss to perceive that it was the intention of the legislature to exempt them entirely from taxation.

2. The act prescribing general regulations for the incorporation of manufacturing and mining companies, passed 13th February 1837, section 10, declares their stock personal estate, *but does not exempt their real estate from taxation*. So that under the fair and proper construction of this general law, where its provisions are not contravened by a special enactment, the real estate of all manufacturing and mining companies is subject to taxation in the ordinary way. Upon an examination of the charters of all such companies passed since the act prescribing general regulations, &c., we find no exception to the aplication of the general rule.

3. In construing the act prescribing certain general regulations for the incorporation of rail-road companies, passed March 11, 1837, much greater difficulty ensues; and from the peculiar phraseology of that as well as of subsequent acts, much embarrassment is found in assigning to the language of the general act such a meaning as will relieve it of all ambiguity. By the provisions of that act, rail-road companies have the power to acquire title to real estate either by condemnation or purchase; and by the 9th section, they are restricted to 80 feet in width, except in deep cuts and fillings, and to one and a half acres of land for sites of buildings in any one parcel.

The 23d section provides that "all machines, waggons, vehicles or carriages belonging to any company incorporated subject to the provisions of this act, *together with all their works* and all profits which shall accrue from the same, shall be vested in the respective shareholders forever in proportion to their respective shares, and shall be deemed personal estate." But there is no express provision in this general law releasing or exempting the *real estate* of such companies as may be organized under its authority from the usual burthens of taxation. And as there is no express exemption, the question arises whether by the terms "*all their works*," which occur in the 23d section, it is intended to include the land and buildings for "toll-houses, ware-houses, depots, engine sheds, stables, work shops and other buildings, for the necessary accommodation of their officers," as personal estate, and by implication to exempt them from taxation. It would seem to your committee to be very questionable whether by any sound rule of construction, the terms "*all their works*" were intended or can be held to do more than grant an exemption to so much real estate as would be necessary to locate and build the road itself. Indeed it is not perfectly clear that the exemption goes thus far; but to extend by mere construction the words of the statute beyond this limit, would, it seems to your committee, be neither warranted by sound policy nor the proper and fair meaning of the words themselves.

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For although all their property might be considered personal estate in regard to their special rights as corporators, liability to execution, mode of transfers, and for the purposes of descent and inheritance, yet for the *purposes of taxation* their real estate would not change its specific character, but would be subject, as other real estate is, to the usual and proper operation of the general revenue laws.

Your committee then ventures to say, with some hesitation however, that in their opinion that general law should not be so construed as to exempt "toll-houses, ware-houses, depots, &c." and the lands or lots on which they are situated from the proper and legal contributions to the public treasury. They object to the construction sought to be placed upon this act by those interested, 1. Because the terms "*all their works*" are too indefinite and vague to be held to apply so specifically as to change the whole character of *real* into *personal* estate. 2. Because it would be unsafe and impolitic that any corporation or individuals should by mere construction or implication be enabled to place their real estate beyond the reach of our revenue laws. 3. Because they have found upon examination that in regard to turnpike roads the legislature has not only declared the *road* itself personal estate, but has in every case gone on to declare in express language its exemption from taxation. And 4. Because if such an exemption is intended to be granted at all, it should be done in language so plain and definite that there could be no doubt or mistake in perceiving the intention of the legislature.

As therefore the language of the act now under consideration is both doubtful and indefinite in its meaning, and cannot be taken or held to exempt the real estate of rail-road companies incorporated subject to its general provisions from taxation without a forced construction, we are of opinion that their houses and lots or such proportion thereof as is the property of stockholders other than the state, should now be placed upon the books of assessment, and valued and assessed according to the principles applicable in such cases. Or at any rate if the general board should differ from the committee in this opinion, they respectfully suggest the propriety of asking the legislature to adopt such legislative action in the case as will in future relieve it from all ambiguity and doubt.

Schedule A., returned herewith, contains a list of all joint stock companies in this state organized within the period indicated in the commencement of this report. In regard to the Baltimore and Ohio rail-road company and the Greensville and Roanoke rail-road company, the legislature out of abundant caution has expressly reserved the right to tax their stock, &c.

Schedule B. contains a list of all charters of manufacturing and mining companies, and schedule C. a list of all acts incorporating companies or authorizing individuals to erect toll-bridges. Your committee did not make out a list of acts establishing ferries, as they were found to be so numerous that it could not have been done in reasonable time assignable to them for a proper discharge of their duties. This is the less necessary, as from a general examination of the acts in relation to the establishment of ferries, there is found no exemption whatever from the application of the general revenue laws.

It may be that in this examination some acts of incorporation and acts amendatory of such charters have escaped the attention of your committee.

It could scarcely be otherwise, considering the period of time embraced and the vast number of acts included in this kind of legislation. But it is believed that but few—and certainly none of any great importance—have failed to receive that attention which was necessary to ascertain their application, and to bring them to the notice of the general board.

WILLIAM A. HARRIS,
BURWELL B. WILLKES,
WILLIAM CARY,
J. EARLY.

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SCHEDULE [A.]

A SCHEDULE of the Joint Stock Companies, &c. in the State of Virginia.

Baltimore and Ohio rail-road company, act passed March 28, 1837, page 129; April 2, 1838, p. 114. Subject to taxation.
Greensville and Roanoke rail-road company, act passed March 22, 1838, p. 105. Subject to taxation.
Petersburg rail-road company, passed February 10, 1830, p. 59.
Portsmouth and Roanoke rail-road company, passed March 8, 1832.
Winchester and Potomac rail-road company, passed April 8, 1831, p. 187.
Richmond, Fredericksburg and Potomac rail-road company, passed February 25, 1834, p. 127—1836.
City Point rail-road company, passed January 26, 1836, p. 141.
Louisa rail-road company, passed February 18, 1836, p. 168.
Richmond and Petersburg rail-road company, passed March 14, 1836, p. 146.
Upper Appomattox company, passed December 21, 1795.
Lower Appomattox company, passed December 8, 1824, p. 45.
Dismal Swamp canal company, passed December 22, 1814.
James river and Kanawha canal company, passed March 16, 1832, p. 73.
Rappahannock company, passed March 7, 1826, p. 53.
Rivanna navigation company, passed January 29, 1811, p. 42; March 2, 1829, p. 68.
Richmond Dock company, passed February 19, 1816, p. 94.
Roanoke navigation company, passed February 19, 1816, p. 73.

Turnpike Companies exempted from taxation.

Ashby's gap turnpike company, passed January 30, 1810, p. 79.
Berryville turnpike company.
Charleston and Point Pleasant turnpike company, passed January 23, 1835.
Fairfax turnpike company, passed February 1, 1813, p. 51.
Fallsbridge turnpike company, passed February 18, 1813, p. 57.
Fauquier and Alexandria turnpike company, passed January 27, 1808, p. 29.
Fincastle and Blue Ridge turnpike company, passed February 20, 1830, p. 77.
Huntersville and Warm springs turnpike company, passed March 20, 1832, p. 183.
Jackson's river turnpike company, passed February 21, 1829, p. 112.
Leesburg turnpike company, passed February 3, 1809, p. 78.
Leesburg and Snicker's gap turnpike company, passed February 9, 1831, p. 211.
Lewisburg and Blue Sulphur springs turnpike company, passed March 12, 1834, p. 165.
Lexington and Covington turnpike company, passed February 19, 1827, p. 108.
Little river turnpike company, passed January 28, 1802, p. 383.
Lynchburg and Salem turnpike company.
Middle turnpike company, passed February 14, 1818, p. 135.
Millborough and Carr's creek turnpike company, passed March 13, 1832, p. 180.
Pittsylvania and Lynchburg turnpike company, passed February 19, 1834, p. 174.
Pittsylvania, Franklin and Botetourt turnpike company, passed February 20, 1838, p. 117.
Red and Blue Sulphur springs turnpike company, passed January 18, 1836, p. 214.
Staunton and James river turnpike company.
Shepherdstown and Smithfield turnpike company.
Swift run gap turnpike company, passed January 11, 1810, p. 42.
Snicker's gap turnpike company, passed January 29, 1810, p. 67.
Smithfield, Charlestown and Harper's Ferry turnpike company, passed February 18, 1830, p. 86.
Valley turnpike company, passed March 24, 1838, p. 129.
Warm springs and Harrisonburg turnpike company, passed January 29, 1830, p. 79.
Wellsburg and Washington turnpike company, passed March 2, 1822, p. 46.
White and Salt Sulphur springs turnpike company, passed January 8, 1834, p. 165.
Natural Bridge turnpike company, passed March 13, 1832, p. 183; February 29, 1836, p. 213.

Dragon Swamp navigation company, passed April 3, 1838, p. 142.
Holiday's Cove turnpike company, passed March 2, 1838, p. 135.
Brandonville, Kingwood and Evansville turnpike company, passed March 13, 1837, p. 154.
Chesterfield rail-road company, passed February 27, 1828, p. 59.
Chesapeake and Ohio canal company, passed January 27, 1824, p. 41.
Manchester and Petersburg turnpike company, passed February 16, 1816, p. 122.

Memorandum.—There are a great many charters for the establishment of turnpike and other companies, but where it is known that such companies have never been organized, it has not been deemed necessary by the committee to enter them in this schedule.

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SCHEDULE [B.]

MANUFACTURING AND MINING COMPANIES,

Incorporated by the Legislature of Virginia, and not exempted from Taxation.

Danville manufacturing company, passed February 10, 1829.
Berkeley manufacturing company, passed February 10, 1829.
Parkersburg manufacturing company, passed February 10, 1829.
Lynchburg manufacturing company, passed February 10, 1829.
Belle Isle manufacturing company, passed March 19, 1832.
Richmond manufacturing company, passed March 12, 1832.
Columbian manufacturing company, passed March 13, 1832.
Manchester manufacturing company, passed March 13, 1832.
Manchester wool and cotton manufacturing company, passed March 13, 1832.
Merchants company in Petersburg, passed March 19, 1832.
Shadwell manufacturing company, passed March 1, 1832.
Harris's creek manufacturing company.
Southwestern mining and manufacturing company, passed March 19, 1832.
Virginia mining company, passed March 10, 1832.
Elizabeth manufacturing company, passed February 16, 1832.
Providence manufacturing company, passed January 4, 1833.
Catawba iron works, passed January 3, 1833.
Botetourt cotton and woollen company, passed February 28, 1833.
Black Heath company of colliers, passed February 20, 1833.
Matoaca manufacturing company, passed December 5, 1833.
Sydney manufacturing company, passed January 3, 1834.
Blandford mill company, passed January 21, 1834.
Gallego manufacturing company, passed January 20, 1834.
Franklin manufacturing company, passed February 17, 1834.
Shockoe manufacturing company, passed March 12, 1834.
Spring manufacturing company, passed March 4, 1834.
Virginia Union manufacturing company, passed February 1, 1834.
Buckingham iron manufacturing company, passed February 14, 1834.
Tye river manufacturing company, passed February 26, 1834.
Campbell county manufacturing company, passed January 11, 1834.
Augusta manufacturing company, passed March 6, 1834.
Rockbridge manufacturing company, passed March 10, 1834.
Millbank mining company, passed January 9, 1834.
Rattlesnake mining company, passed January 9, 1834.
Rappahannock mining company, passed January 9, 1834.
Piedmont mining company, passed January 9, 1834.
Union gold mining company, passed January 9, 1834.
United States mining company, passed January 9, 1834.
Culpeper mining company, passed January 9, 1834.
Hunting run mining company, passed February 7, 1834.
Forked run mining company, passed February 17, 1834.
Vaucluse mining company, passed February 24, 1834.
Rivanna mining company, passed March 5, 1834.
Hope mining company, passed March 5, 1834.
Liberty mining company, passed March 7, 1834.
Buckingham gold mining company, passed March 12, 1834.
Ohio coal mining company, passed March 10, 1834.
Aqueduct iron mining company, passed February 20, 1835.
Richmond gas light company, passed March 12, 1835.
Norfolk ice company, passed March 11, 1835.

Appomattox manufacturing company, passed March 25, 1835.
Belvideira manufacturing company, passed March 27, 1835.
Clarksville manufacturing company, passed February 25, 1835.
Craford manufacturing company, passed March 30, 1835.
Henry manufacturing company, passed March 22, 1835.
Hico falls manufacturing company, passed March 24, 1835.
Madison manufacturing company, passed March 24, 1835.
Marshall manufacturing company, passed March 23, 1835.
Meadesville manufacturing company, passed March 20, 1835.
Mechanics manufacturing company, passed March 24, 1835.
Mount Holly manufacturing company, passed March 25, 1835.
Occoquon manufacturing company, passed March 18, 1835.
Pireus manufacturing company, passed March 24, 1835.
Rappahannock manufacturing company, passed March 24, 1835.
Stony Point manufacturing company, passed March 25, 1835.
Striderian manufacturing company, passed March 11, 1835.
Union manufacturing company, passed March 18, 1835.
Phœnix mining company, passed December 21, 1835.
Falmouth mining company, passed December 22, 1835.
Union Potomac company, passed February 2, 1836.
Gill's mountain mining company, passed March 11, 1836.
Berkeley coal mining and rail-road company, passed March 18, 1836.
Coal working company of Richmond and Manchester, passed March 10, 1836.
Etna coal company, passed March 18, 1836.
Deep run mining company, passed December 22, 1835.
Big Bird mining company, passed March 17, 1836.
Goochland mining company, passed March 15, 1836.
Fluvanna mining company, passed February 3, 1836.
Fredericksburg mining company, passed March 21, 1836.
Stafford mining company, passed February 23, 1836.
American mining company, passed March 17, 1836.
New Hope gold mining company, passed March 16, 1836.
United States copper mining company, passed March 12, 1836.
Appomattox coal mining company, passed March 24, 1837.
Ben Lomond coal mining company, passed March 27, 1837.
Branch coal mining company, passed March 25, 1837.
Chesterfield coal mining company, passed February 28, 1837.
Creek coal mining company, passed March 25, 1837.
Cumberland coal mining company, passed March 24, 1837.
Dover coal mining company, passed March 20, 1837.
Goochland coal mining company, passed March 30, 1837.
Mattapony coal mining company, passed March 27, 1837.
Parsons coal mining and iron manufacturing company, passed Feb'y 27, 1837.
Prince Edward coal mining company, passed March 24, 1837.
Rosewood coal mining company, passed March 30, 1837.
Runnymead coal mining company, passed March 18, 1837.
Tuckahoe coal mining company, passed March 24, 1837.
Virginia and New York coal mining company, passed March 24, 1837.
Amherst iron company, passed March 25, 1837.
Belle Isle manufacturing company, passed February 28, 1837.
Buffaloe iron company, passed March 24, 1837.
Elk creek iron manufacturing company, passed March 29, 1837.
Etna iron company, passed March 27, 1837.
Oxford iron company, passed February 18, 1837.
Preston iron and manufacturing company, passed March 25, 1837.
Raven Cliff iron company, passed March 24, 1837.
Roaring run iron manufacturing company, passed March 30, 1837.
Shelfield iron manufacturing company, passed March 20, 1837.
Stonewall iron manufacturing company, passed February 25, 1837.
Tredegar iron manufacturing company, passed February 27, 1837.

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Virginia foundry company, passed February 27, 1837.
West Virginia iron mining and manufacturing company, passed Feb'y 15, 1837.
Blue Ridge mining company, passed February 25, 1837.
Broad run mining company, passed March 24, 1837.
Glades copper mining company, passed March 24, 1837.
Buckingham slate mining company, passed March 21, 1837.
Cheat river mining, lumber, salt and iron company, passed March 27, 1837.
Franklin mining company, passed February 25, 1837.
Richmond mining company, passed March 30, 1837.
Alcinda gold mining company, passed January 13, 1837.
Austin gold mining company, passed March 24, 1837.
Belmont mining company, passed March 22, 1837.
Booker's gold mine company, passed March 25, 1837.
Cedar Farm gold mining company, passed February 25, 1837.
Columbian exploring and mining company, passed March 20, 1837.
Cedar Grove mining company, passed March 25, 1837.
Cromarty mining company, passed March 25, 1837.
Eades mining company, passed March 20, 1837.
Eagle gold mining company, passed February 25, 1837.
Farmville mining company, passed March 24, 1837.
Fluvanna mining company, passed March 24, 1837.
Gongo Soco mining company, passed March 20, 1837.
Goochland and Fluvanna gold mining company, passed March 30, 1837.
Gold Hope mining company, passed February 25, 1837.
Green mountain mining company, passed March 24, 1837.
Groom's gold mining company, passed March 24, 1837.
Independent mining company, passed March 24, 1837.
James river mining company, passed March 24, 1837.
Little Bird mining company, passed March 24, 1837.
M'Gehee mining company, passed March 24, 1837.
Mint gold mining company, passed March 24, 1837.
Monteagles mining company, passed March 24, 1837.
New York gold mining company, passed March 28, 1837.
O'Mohundro mining company, passed March 24, 1837.
Peru ridge mining company, passed March 24, 1837.
Rapid Ann mining company, passed March 25, 1837.
Shaw's gold mining company, passed March 18, 1837.
Somerville mining company, passed March 27, 1837.
Spring Hill gold mining company, passed March 24, 1837.
Walton's new gold mining company, passed March 20, 1837.
Brent town mining company, passed March 24, 1837.
Carrolton exploring and mining company, passed April 5, 1837.
Lee's mining company, passed April 6, 1837.
Hanover and Henrico mining company, passed March 7, 1837.
Hudson mining company, passed March 3, 1837.
Virginia copper mining company, passed April 4, 1837.
Virginia mining and manufacturing company, passed April 2, 1837.
Dupuy & Povall's coal company, passed January 29, 1839.
Potomac exploring and mining company, passed April 8, 1839.
Grady's mining company, passed February 27, 1839.
Union mining, smelting and manufacturing company, passed March 25, 1839.
Walton's manufacturing company, passed March 25, 1837.
Woodbury woollen and cotton factory company, passed February 27, 1837.
Buchanan manufacturing company, passed March 3, 1838.
Burlington manufacturing company, passed March 23, 1838.
Cottage iron works company, passed March 21, 1838.
Exeter manufacturing company, passed January 17, 1838.
Falmouth manufacturing company, passed April 6, 1838.
Mansfield manufacturing company, passed March 9, 1838.
Potomac coal and iron company, passed April 9, 1839.

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Battersea manufacturing company, passed April 2, 1839.
Buckingham Dover mill cotton and woollen factory, passed March 23, 1839.
Cape Capon manufacturing company, passed April 6, 1839.
Curdville manufacturing company, passed February 9, 1839.
Essex manufacturing company, passed March 23, 1839.
Foushee manufacturing company, passed April 9, 1839.
Great Falls manufacturing company, passed February 4, 1839.
Merchants manufacturing company, passed March 27, 1839.
Spring Hill manufacturing company, passed March 18, 1839.
Washington manufacturing company, passed March 29, 1839.
Wheeling manufacturing and mining company, passed March 26, 1839.
Virginia silk company, passed March 21, 1836.
Potomac silk and manufacturing company, passed March 18, 1836.
Heth manufacturing company, passed February 24, 1836.
Ettrick manufacturing company, passed January 9, 1836.
Fleet's manufacturing company, passed January 9, 1836.
Mechanics manufacturing company, passed February 18, 1836.
Virginia mills manufacturing company, passed January 6, 1836.
Fredericksburg iron and steel manufacturing company, passed March 21, 1836.
Fredericksburg Union manufacturing company, passed March 17, 1836.
Great Falls manufacturing company, passed January 6, 1836.
Fredericksburg silk and agricultural company, passed March 23, 1837.
Hartwood silk and agricultural company, passed March 24, 1837.
Virginia silk and sugar company, passed March 28, 1837.
Western Virgina silk and agricultural company, passed March 30, 1837.
Brunswick silk company, passed April 9, 1839.

SCHEDULE [C.]

CONTAINING A LIST OF TOLL BRIDGES, &c.

An act to authorize Catharine Wager, &c. to erect a toll-bridge across the Potomac river at Harper's Ferry, passed February 23, 1822, page 53.

An act authorizing John Whitaker to erect a toll-bridge across Peake creek in the county Wythe, passed January 5, 1822, p. 57.

An act empowering county court of Elizabeth City to erect two toll-bridges across Hampton river, &c. passed January 27, 1825, p. 70.

An act providing for the erection of a bridge across the Appomattox river at Petersburg, passed February 4, 1826, p. 57.

An act authorizing the erection of a bridge across the South branch of Shenandoah river, passed January 25, 1825, p. 71.

Samuel Pannill to erect a toll-bridge across Staunton river, passed February 9, 1826, page 59.

An act incorporating the Danville toll-bridge company, passed January 28, 1826, page 61. Stock deemed real estate.

An act to authorize Francis Thornton to build a toll-bridge across Rappahannock river, passed 7th December 1791, page 18.

An act authorizing Thomas Mason to build a toll-bridge across the river Occoquon, passed December 7, 1795, p. 53.

Authorizing Nathaniel Ellicott and Isaac M'Pherson to build a toll-bridge across Occoquon, passed December 7, 1795, p 53.

An act to authorize Enoch Francis to erect a toll-bridge over Goose creek, passed December 26, 1795, p. 53.

Carter Beverley to build a toll-bridge over North branch of the Rappahannock, passed November 29, 1796, page 37.

Landon Carter to build a toll-bridge over the North branch of Rappahannock, passed December 25, 1797, page 31.

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Ferdinando Fairfax to build a toll-bridge over the Shenandoah river, in the county of Berkeley, passed December 25, 1797, page 37.

Robert Watkins to build a toll-bridge over Appomattox river, December 30, 1800, page 13.

William Colley to build a toll-bridge over Smith's creek, near Norfolk, passed January 6, 1800, page 16.

John Barnett, &c. to build a toll-bridge across Dan river, passed December 31, 1801, page 25.

Edmund Terrell to build over Rapid Ann, passed December 22, 1801, page 29.

To establish a draw-bridge over Elizabeth river in the county of Norfolk, and for other purposes, passed January 5, 1803, page 38.

Talbot Goodwin to erect a toll-bridge from town of Suffolk across Nansemond, passed January 9, 1805, page 34.

A company to build a toll-bridge over South branch Potomac, passed January 2, 1805, page 34.

John Beale to build a toll-bridge over James river, passed January 5, 1805, page 38.

An act authorizing William Bentley and Edward Mosely to erect a toll-bridge over Staunton river, passed December 20, 1804, page 49.

A toll-bridge over Pagan creek, Isle of Wight, passed January 4, 1806, page 20.

A toll-bridge over Cheat river, passed January 7, 1806, page 26.

A company to erect a toll-bridge over Shenandoah river at Port Republic, December 18, 1805, page 8.

John Brander to erect a toll-bridge across Swift creek, Chesterfield, passed January 9, 1806, page 26.

John Nuzom to build a toll-bridge over Tyger Valley river, in Monongalia, passed January 7, 1807, p. 34.

Company to build a toll-bridge over Hunting creek in the county of Fairfax, passed January 7, 1807, p. 34.

General act in relation to the collection of the public revenue, passed January 7, 1815, page 23, section 40, prescribes that the tax or tolls shall be collected in the county in which or nearest to which the toll-house stands, if the bridge is over a stream which divides counties.

Shenandoah bridge company, January 16, 1813, page 76.

An act to authorize a toll-bridge across North river, January 1, 1813, page 106.

Joseph Crockett to erect bridge across Reedy creek, passed January 1813, page 75.

Bridge across Dan river, passed February 18, 1819, page 85.

Ashby's gap turnpike bridge across Shenandoah, passed January 9, 1819, page 167.

William Hopkins bridge across Staunton river, passed January 14, 1819, page 108.

Mordecai Barbour bridge across Appomattox river, passed February 11, 1819, page 108.

James Cartmill and John F. Wood bridge across James river, passed February 17, 1819, page 109.

Benjamin Wilcox, jr., and Josias Adams toll-bridge across West fork Monongahela river, passed March 1, 1819, page 110.

Act to erect a toll-bridge across Tanner's creek, passed March 2, 1819, page 111.

An act to erect a toll-bridge across James river, passed March 3, 1819, page 114.

John Staples and others to erect a toll-bridge across James river, passed March 5, 1819, page 118.

An act to erect a toll-bridge across James river near Warren, passed March 6, 1819, page 119.

An act to erect a bridge over Goose creek, passed March 9, 1819, page 122.

An act to erect a bridge across Potomac river opposite Shepherdstown, passed March 11, 1819, page 123.

Do. do. passed February 6, 1821, page 106.

Philip R. Thompson and Stephen Tease to erect a bridge across Coal river, passed February 14, 1821, page 104.

George Carter to erect toll-bridge across Goose creek, passed February 15, 1821, page 105.

A company to erect a toll-bridge across Potomac near Shepherdstown, passed February 16, 1821, page 106.

A company to erect a toll-bridge across Tygart's Valley river, passed February 21, 1824, page 59.

A company to erect a toll-bridge across Cheat river, passed February 11, 1824, page 61.

An act authorizing Jesse Atkinson to erect a toll-bridge across Dan river at South Boston, passed December 31, 1823, page 62.

Walker Timberlake to erect a toll-bridge across Rivanna river, passed January 1824, page 63.

An act authorizing Thomas Purdie to erect a toll-bridge, passed January 13, 1810, page 51.

An act incorporating the Hunting Creek company, passed January 11, 1810, page 49.

An act authorizing Jordan & Morhead to erect a toll-bridge, passed January 22, 1810, page 60.

An act concerning L. Carter to erect a toll-bridge, passed January 5, 1811, page 100.

An act concerning the Lynchburg toll-bridge company, passed January 28, 1811, page 52.

An act authorizing a toll-bridge across Back river, passed December 28, 1810, page 89.

An act concerning John Ward to erect a toll-bridge, passed December 31, 1810, page 55.

An act amendatory authorizing a toll-bridge across Appomattox, passed February 19, 1812, page 98.

An act authorizing Wm. M'Clung to erect a toll-bridge, passed January 31, 1812, page 86.

An act authorizing Thos. Macon to erect a toll-bridge, passed January 3, 1812, page 108.

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An act providing for the rebuilding the Gauley bridge, passed March 7, 1827, page 37.
An act same, same, passed March 8, 1827, page 39.
An act authorizing Jas. Wheatly to erect a toll-bridge, passed March 6, 1827, page 89.
An act authorizing Wm. H. Meriwether to erect a toll-bridge, passed January 22, 1827, page 90.
An act to convert the bridge at Littlepage's into a toll-bridge, passed January 16, 1827, page 91.
An act amendatory for the erection of a toll-bridge at Petersburg, passed January 2, 1828, page 81.
An act authorizing the erection of a toll-bridge across Cheat river, passed February 20, 1828, page 81.
An act authorizing Wm. Weaver to erect two toll-bridges, passed January 23, 1828, page 80.
An act to incorporate the Hampton river and Mill-creek toll-bridge company, passed January 18, 1828, page 81.
An act concerning P. R. Thompson and Mary Tease, passed January 17, 1828, page 113.
An act to incorporate a company to erect a toll-bridge across the Potomac, passed February 17, 1829, page 73.
An act concerning the Cartersville bridge company, passed February 16, 1829, page 80.
An act granting Walker Timberlake further time to complete his bridge, passed January 6, 1829, page 80.
An act authorizing the building from Gosport to Portsmouth, passed February 14, 1829, page 124.
An act to incorporate a company to erect a toll-bridge across the Shenandoah, passed January 17, 1829, page 77.
An act authorizing John Hodges &c. to erect a toll-bridge, passed February 6, 1830, page 92.
An act authorizing A. Brown to erect a toll-bridge, passed January 10, 1831, page 257.
An act authorizing the erection of a bridge at Exeter mills, passed February 16, 1831, page 258.
An act amendatory for the erection of a bridge across Appomattox, passed April 4, 1831, page 259.
An act authorizing the erection of a bridge across the Shenandoah, passed March 23, 1831, page 260.
An act amendatory to incorporate a company for the same purpose, passed January 24, 1831, page 261.
An act amendatory concerning the Lynchburg toll-bridge company, passed February 10, 1832, page 190.
An act to incorporate a company to erect a toll-bridge across the North river, passed January 9, 1832, page 191.
An act to incorporate the Barboursville toll-bridge company, passed March 5, 1832, page 195.
An act to incorporate the Rapid Ann toll-bridge company, passed February 7, 1832, page 201.
An act authorizing Wm. Smith to erect a toll-bridge, passed March 20, 1832, page 204.
An act authorizing Benjamin Schoolfield to erect a toll-bridge, passed January 16, 1833, page 109.
An act to incorporate a company to erect a toll bridge across the Shenandoah, passed February 19, 1833, page 111.
An act authorizing the Lexington and Richmond turnpike company to erect a bridge, passed February 3, 1836, page 211.
An act authorizing William Townes to erect a toll bridge, passed March 22, 1836, page 228.
An act to incorporate a company to erect a toll bridge across the Shenandoah river, passed March 22, 1836, page 232.
An act amendatory to erect a toll bridge at Wheeling, passed March 19, 1836, page 235.
An act authorizing John P. Kelly to erect a toll bridge, passed February 28, 1837, page 157.
An act to incorporate the North river bridge company, passed March 30, 1837, page 159.
An act to authorize S. Brown to erect a toll bridge, passed March 25, 1837, page 162.
An act authorizing the Harrisonburg and Thornton's gap turnpike company to erect a toll bridge, passed March 10, 1834, page 168.
An act authorizing the Pittsylvania and Lynchburg turnpike company to erect a bridge, passed February 19, 1834, page 174.
An act to incorporate a company to erect a toll bridge across New river, passed March 19, 1838, page 137.
An act to incorporate the South Shenandoah toll bridge company, passed April 6, 1838, page 139.
An act amendatory to erect a toll bridge at Harper's Ferry, passed March 26, 1838, page 140.
An act incorporating the Jude's ferry toll bridge company, passed April 9, 1839, page 104.
An act authorizing Jessee Pepper &c. to erect a toll bridge, passed February 9, 1839, page 106.
An act authorizing James Bream &c. to erect a toll bridge, passed April 3, 1839, page 108.
An act amendatory authorizing the county of Elizabeth City to erect two toll bridges, passed April 9, 1839, page 113.

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[DOC. No. 15.]

MEMORIAL OF THE JAMES RIVER AND KANAWHA COMPANY.

At an annual meeting of the Stockholders of the JAMES RIVER AND KANAWHA COMPANY, *held in the City of Richmond on the 17th December* 1839:

Resolved, That a committee of three be appointed, whose duty it shall be to present a memorial to the legislature representing to them the causes which will probably prevent the completion of the canal through the lands of John Percival near Lynchburg, for several months after it will have been completed in all other parts from the basin at Richmond to Lynchburg, with the exception of so much thereof as has been located through the lands of John Percival, and moreover asking of the legislature that in all cases of assessments made hereafter and confirmed by the court, writs of possession may be issued under suitable regulations, in order to put the company in possession of the lands condemned for their use.

The following gentlemen were appointed members of the committee to present a memorial to the legislature pursuant to the foregoing resolution:

MR. CHAPMAN JOHNSON,
MR. JOHN RUTHERFOORD,
MR. FLEMING JAMES.

Extracts from the records,

W. B. CHITTENDEN, *Clerk.*

TO THE GENERAL ASSEMBLY OF VIRGINIA

The Memorial of the undersigned, a Committee on behalf of the JAMES RIVER AND KANAWHA COMPANY, *respectfully represents:*

That at a late meeting of the stockholders the undersigned were appointed a committee in pursuance of a resolution in the following words:

"*Resolved*, That a committee of three be appointed whose duty it shall be to present a memorial to the legislature representing to them the causes which will probably prevent the completion of the canal through the lands of John Percival near Lynchburg for several months after it will have been completed in all other parts from the basin at Richmond to Lynchburg, and asking permission to levy the tolls provided by their charter when the canal shall have been completed from the basin at Richmond to Lynchburg, with the exception of so much thereof as has been located through the lands of John Percival; and moreover asking of the legislature that in all cases of assessments made hereafter and confirmed by the courts, writs of possession may be issued under suitable regulations, in order to put the company in possession of the land condemned for their use."

In discharge of the duty thus imposed upon your memorialists, they submit to the general assembly the following statement of the causes which have induced the stockholders to ask for relief.

On the 4th October in the year 1836, the board of assessors according to the provisions of the charter, went upon the lands of John Percival, near Lynchburg, for the purpose of assessing damages from the condemnation of his land which had been previously laid out for the use of the company. He had due notice of the meeting, and as your memorialists are advised was present when the assessors proceeded, and assessed his damages from the condemnation of two acres, one rood, nine and three quarter perches, at eight hundred and eight dollars.

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This assessment was duly returned to the clerk's office of the superior court of Campbell county in the month of December of the same year, and on the 22d of April 1837, it was confirmed in court, ordered to be recorded and judgment rendered in favour of Percival for the sum of $808 so assessed.

During all this time the said Percival made no objection to the location or to the assessment, although as your memorialists are advised, he was told by the clerk of the superior court after the report had been returned and before the next April term of the court, that if he did not object to it, it would then be confirmed. On the contrary your memorialists are informed that the said Percival entered into a contract with the company for excavating the canal through his land according to the location which had thus been made of it.

This contract he failed to comply with, and refused to receive the money which had been assessed and adjudged for his damages, although it was duly tendered to him.

The company thereupon let the work to another contractor, and when he went to take possession of the land for the purpose of executing his contract, possession was forcibly withheld from him by the said Percival.

By advice of counsel the company resorted to a summary proceeding by a writ of forcible detainer to obtain possession of the land, but this was defeated, and the company compelled to suffer a nonsuit by reason of an unexpected decision of the justices upon the trial that the company must produce evidence that they had been duly organized in pursuance of the provisions of their charter.

The company were then advised to bring an ejectment, which they accordingly brought in the superior court for the county of Campbell, and endeavoured to mature the cause for trial by the April term of the present year. At that term the judge, declining to sit upon the trial of the cause, removed it to the superior court for the county of Amherst. At the fall term of that court, the first that had occurred after the removal, the company pressed for trial, but the defendant, upon an affidavit of the absence of witnesses whom he deemed material, procured a continuance of the cause until the next term, which will be held in April of the ensuing year. The counsel for the company asked for a special term for the trial of the cause, but the judge declined, probably upon the ground, as your memorialists are informed, that as he had gone through the docket and disposed of all the business of the term, the law gave no authority to hold a special term.

A copy of the record from the superior court of Amherst, containing the proceedings in the ejectment, together with the proceedings before the assessors, and the judgment confirming their report, is herewith submitted as a part of this memorial.

By the annual report of the president of the company to the stockholders, it appears probable that the canal from the basin at Richmond to Lynchburg, with the exception of that part thereof which must necessarily await the removal of the obstruction upon the lands of the said Percival, will be completed so as to be ready for navigation according to the requisitions of the charter during the present winter.

But owing to the obstruction of the work through the lands of Percival, the company will not be able to complete that part of the canal until the lapse of some six or eight weeks after the law suit with him shall have been terminated. This will deprive the company of the benefit of those tolls, which by the act of the last session of the assembly they were authorized to levy when the canal should be completed from the basin at Richmond to Lynchburg.

This delay not having been incurred by any fault of the company, who have exhausted all reasonable means within their power to avoid it, they submit to the legislature that it is but an act of justice to take the tolls allowed by the charter when the canal shall have been completed from the basin at Richmond to Lynchburg, with the exception of so much thereof as the obstruction aforesaid shall have rendered it impracticable to complete.

It is believed that this injurious delay might have been prevented if the law had provided for issuing writs of possession upon the judgments of the courts confirming the condemnation of lands by the assessors, and had provided adequate means for preventing and removing all force by which the possession of the company should be subsequently interrupted.

It will be seen, however, by reference to the charter that no provision is made for issuing a writ of possession upon the judgment of the court confirming the assessment and condemnation.

While therefore the company would not ask for legislation to affect the pending controversy, they submit it to the wisdom of the legislature to provide a suitable remedy for future mischiefs of the same kind.

And as in duty bound, &c.,

C. JOHNSON,
J. RUTHERFOORD,
FLEMING JAMES,
} *Committee.*

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JAMES RIVER AND KANAWHA COMPANY
vs.
JOHN PERCIVAL. } *Copy Record.*

VIRGINIA, *to wit:*

Pleas at the courthouse in the county of Amherst before the Judge of the Circuit Superior Court of Law and Chancery for the said county on the day of and in the year of the Commonwealth.

Be it remembered, that heretofore to wit: At rules held in the clerk's office of the circuit superior court of law and chancery for the county of Campbell on the first Monday in March 1839, came John Doe lessee of the James river and Kanawha company, by Chiswell Dabney and Charles L. Mosby his attorneys, and filed his declaration against Richard Roe of a plea of trespass and ejectment, which declaration and the note and affidavit thereunder written are in the words and figures following:

"Circuit superior court of law and chancery for the county of Campbell, to wit:

John Doe plaintiff complains of Richard Roe defendant of a plea of trespass, for that whereas the James river and Kanawha company on the first day of March in the year of our Lord 1839, at the county aforesaid and within the jurisdiction of this court had demised unto the said plaintiff one certain lot, tenement and parcel of ground, containing two acres, one rood and nine seventy-five hundredths perches, situate, lying and being in the county of Campbell aforesaid, on James river and near the town of Lynchburg, with the appurtenances. To have and to hold the said lot, tenement and parcel of ground, with its appurtenances, unto the said plaintiff, his executors, administrators or assigns, from the said first day of March in the year 1839 to the end and term of seven years thence next following, and fully to be complete and ended, by virtue of which said demise the said plaintiff entered on the said lot, tenement and parcel of ground, with its appurtenances, and was thereof possessed. And the said plaintiff so being thereof possessed the said defendant afterwards, that is to say, after the said lease and entry, and on the said first day of March 1839, at the county and within the jurisdiction aforesaid, with force and arms, to wit: with swords, staves, knives, stones and blunderbusses entered into and upon said demised lot, tenement and parcel of ground, with the appurtenances, which the said James river and Kanawha company demised to the said plaintiff in form aforesaid for the term aforesaid which is not yet expired, and ejected the said plaintiff out of his said farm, and other wrongs to him then and there did to the great damage of the said plaintiff, and against the peace and dignity of the commonwealth of Virginia. Whereby the said plaintiff saith he is injured and damaged to the value of $5000, and therefore he brings his suit, &c.

DABNEY & MOSBY, *P. Q.*

To Mr. JOHN PERCIVAL.

I am informed that you are in possession of, or claim title to the premises mentioned in the foregoing declaration of ejectment or to some part thereof, and I being sued in this action as casual ejector, and having no claim or title to the same, do advise you to appear at the clerk's office of the circuit superior court of law and chancery for the county of Campbell on the first Monday in March instant, that being rule day, by some attorney of that court, and then and there by a rule to be made pursuant to the act of assembly in that case made and provided, to cause yourself to be made a defendant in my stead, otherwise I shall suffer a judgment to be entered against me, and you will be turned out of possession.

Your affectionate friend,

JOHN DOE.

1839, *March 1st.*

CAMPBELL COUNTY, *to wit:*

This day John Rosser, deputy for Adam Clement, sheriff of said county, of lawful age, appeared before me a justice of the said county, and made oath that he delivered a copy of the within declaration, as well as of the notice thereto subjoined, to John Percival on the 1st day of March 1839.

Given under my hand the 1st day of March in the year 1839.

JAMES BULLOCK."

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And it appearing by the affidavit of John Rosser, deputy sheriff for Adam Clement, sheriff of said county, that John Percival, tenant in possession of the premises, hath been duly served with a copy of the plaintiff's declaration, and the notice thereunder written, and he not appearing, though solemnly called, on motion of the plaintiff it is ordered that unless the said John Percival, having had legal notice of this order, or those under whom he claims, or some one of them, do appear on the first day of the next term of the circuit superior court of law and chancery for this county, to be holden at the courthouse on the 19th day of April next, and make himself, herself, or themselves defendant or defendants in this suit in the room of the said Richard Roe, plead the general issue, confess the lease, entry and ouster in the declaration supposed, and enter into the common rule to insist on the title only at trial, judgment shall be given for the plaintiff and a writ of possession awarded him.

And at another day to wit: At a circuit superior court of law and chancery continued and held for the county aforesaid at the courthouse thereof, on the 19th day of the month and year aforesaid:

JOHN DOE *lessee of the* JAMES RIVER AND KANAWHA COMPANY, *Plf.*
against
RICHARD ROE, *Dft.* } *In ejectment.*

For one certain lot, tenement and parcel of ground containing two acres, one rood and $\frac{25}{100}$ perches of land situate in this county. It appearing to the satisfaction of the court that a copy of the conditional order entered at rules on the 4th day of March last in this cause had been duly served on the 14th day of March last on John Percival, the tenant in possession of said premises in controversy, he was solemnly called, and the plaintiff by counsel moved for a confirmation of said order. Whereupon the said John Percival appeared by counsel and at his instance said motion is continued until to-morrow.

At which day to wit: At a circuit superior court of law and chancery continued and held for said county, on the twentieth day of the month and year aforesaid. For reasons appearing to the court this cause was continued until the then next Monday.

At which day to wit: At a circuit superior court of law and chancery continued and held for said county on the twenty-first day of the month and year aforesaid. For reasons appearing to the court this cause was again continued until the then next day of the term.

And now at this day to wit: At a circuit superior court of law and chancery continued and held for the county aforesaid, at the courthouse thereof on the twenty-third day of the month and year last aforesaid.

JOHN DOE *lessee of the* JAMES RIVER AND KANAWHA COMPANY, *Plf.*
against
RICHARD ROE, *Dft.* } *In ejectment.*

For one certain lot, tenement and parcel of ground containing two acres, one rood and $\frac{25}{100}$ perches, situate, lying and being in the county of Campbell aforesaid on James river, and near to the town of Lynchburg, with the appurtenances thereunto belonging.

John Percival on his motion is admitted defendant in this suit in the room of the said Roe, and thereupon by his attorney comes and defends the force and injury, when &c. pleads the general issue, confesses the lease, entry and ouster in the declaration supposed, and agrees to insist on the title only at trial. And the judge of this court being so situated in relation to the subject in controversy between the parties as to make it in his opinion improper for him to decide between the parties, it is ordered by the court that this cause be certified and removed to the circuit superior court of law and chancery of Amherst county, to be therein proceeded according to law.

And afterwards to wit: At a circuit superior court of law and chancery, begun and held for Amherst county at the courthouse on Monday the 2d day of September 1839. This cause having been removed hither from the circuit superior court of law and chancery for the county of Campbell, the court doth order that it be placed in its proper place upon the docket of this court.

And afterwards to wit: At a circuit superior court of law and chancery continued by adjournment, and held for the county of Amherst at the courthouse on Friday the 6th day of September 1839. The court doth order that this cause be continued until the next term. And the plaintiff by their attorney tender to the defendant leave to examine and take the depositions of any and all of their witnesses on reasonable notice thereof being given to C. Dabney or C. L. Mosby, the plaintiffs' attorneys.

The following is a copy of the exhibit filed among the papers in this cause:

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VIRGINIA:

Pleas before the honourable the judge of the circuit superior court of law and chancery ho'den in and for the county of Campbell, at the courthouse thereof on the 22d day of April, one thousand eight hundred and thirty-seven.

Be it remembered, That heretofore to wit: At a circuit superior court of law and chancery con inued and held for said county of Campbell, at the courthouse thereof on the said twenty-second day of April, one thousand eight hundred and thirty-seven, came the James river and Kanawha company by their attorney, and moved the court to take up a report of the assessors for assessing damages by occasion of the James river and Kanawha canal passing through the lands of John Percival, which said report had been previously filed in the clerk's office of said court by the said assessors on the second Monday in December 1836, and is in the words and figures following:

"We the undersigned assessors to the James river and Kanawha company do hereby certify, that after due notice of the day and place appointed for our meeting, we on the 4th day of October 1836, that being the day so appointed by notice duly served, filed herewith, met together upon the lands of John Percival below the town of Lynchburg in the county of Campbell, which the company aforesaid propose to condemn for their use, and after having viewed the premises and heard such proper evidence as either party offered to us, we proceeded to estimate the quantity and quality of the land aforesaid, the quantity of additional fencing which would probably be occasioned by its condemnation, and the following which seemed to us all the other inconveniences which were likely to result to the proprietor of said land, that is to say for the condemnation of two acres, one rood, nine and three quarter perches of said land for the use of the James river and Kanawha company for the construction of a canal, as will appear by the plat and description thereof herewith filed, for the inconvenience and expense of removing a barn, for the expense of additional fencing, for the inconvenience of dividing his land into two pieces, it being understood and agreed by the company that they will construct and keep up one farm bridge for the use of the said proprietor, that said proprietor be permitted to run his side fences on the berm bank side to the bottom of the canal slope subject to the control and direction of the company's officers, we are of opinion that no additional fencing will be required on the upper side of the canal, that we have foreseen and estimated no other inconveniences but those above enumerated, and that we combined with these considerations as far as we could a just regard to the advantages which would be derived by the proprietor of the land from the construction of the improvement for the use of which the said land is to be condemned, that under the influence of these considerations we have estimated and do hereby assess the damages which will be sustained by the proprietor of the said lands from the condemnation thereof for the use of the company at the sum of eight hundred and eight dollars.

Given under our hands and seals this 19th day of November 1836.

JACOB MICHAUX, [*Seal.*]
PETER H. STEENBERGEN, [*Seal.*]
LITTLEBURY N. LIGON, [*Seal.*]
JOHN B. DABNEY, [*Seal.*]
JOHN T. BOCOCK, [*Seal.*]"

The following is a copy of the notice referred to in the foregoing report of the assessors and filed with the same:

Mr. JOHN PERCIVAL,

SIR,

The board of assessors appointed by the board of public works to assess the damages to the owners of land along the line of the James river and Kanawha canal from the condemnation of their land to the use of said canal, will assemble on your tract of land in Campbell county on the 4th day of October next, and then and there proceed to assess the damages to you as owner of said land from its condemnation for the purposes aforesaid according to law. Dated 20th August 1836.

Respectfully yours,

JOSEPH C. CABELL, *P. J. R. & K. Co.*

Upon which said notice is the following endorsement:
This is to acknowledge the receipt of the notice.

JOHN PERCIVAL.
September 24th, 1836.

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The following is a true copy of the plat and description of the land condemned as aforesaid for the use of the James river and Kanawha company, to wit:

CAMPBELL COUNTY, *to wit:*

The annexed map No. 3 is a plat and description of the land taken for the use of the James river and Kanawha canal as it passes through the land of John Percival including that required for drains, &c. on each side of the canal.

Beginning at C a stone on the southern limits of the canal and in the line of James Boal and John Percival, running thence with the same N. 52¾ E. fifty feet to the centre of the canal at A, thence with the same S. 37¼ E. thirty-four feet ten inches to 6, (section 3,) thence with the same S. 37¼ E. four hundred feet to (10 section 3,) thence with the same S. 39¼ E. two hundred feet to (12 section 3,) thence with the same S. 43¼ E. two hundred feet to (14 section 3,) thence with the same S. 45¼ E. one hundred and seventy-one feet nine inches to B on the line between John Percival and Henry Davis, thence with the same S. 56¼ W. fifty-one feet to a stone at D on the southern limits of the canal with offsets to the south side between stations A and B, at right angles to the centre line fifty feet and with offsets to the north side between the stations A and B, likewise at right angles to the centre line fifty feet making one thousand and six feet seven inches on the centre line, and including all the land between the east and west division lines of the farm of the said John Percival embraced by the said division lines, and the limits established by the lines drawn through the said offsets to each side of the canal from one division line to the other covering two acres, one rood and nine and three quarter perches.

[Here follows a "*Map of the James River and Kanawha Canal through the lands of John Percival.*"]

Surveyed for the James river and Kanawha company with a view to the condemnation of the land which the canal and its appurtenances occupy agreeable to the purport of the act incorporating the company, passed March 10th, 1832, and its amendments.

Given under my hand this 10th day of May 1836.

D. H. KENNEDY.

Variation of the magnet from the true meridian 2′ east of north and scale 100 feet to the inch.

The affidavit of the surveyor in relation to the correctness of the foregoing survey is in these words.

NELSON COUNTY, *to wit:*

This 14th day of Oc ober 1836, David H. Kennedy personally appeared before me a justice of the peace in and for the said county and made oath that the plat of the canal of the James river and Kanawha canal hereto annexed and made by him with the certificate thereto annexed are just and correct to the best of his knowledge and belief, and he will true answers make to all questions propounded to him in relation to the same.

Given under my hand this day and date above written.

LITTLEBURY N. LIGON.

And thereupon came the plaintiffs by their attorney, and the defendant though solemnly called came not: whereupon the plaintiffs on hearing the report aforesaid filed and returned in the case, moved the court to confirm and record the same agreeable to an act of assembly in that case made and provided. On consideration the court doth order that the said report be confirmed and recorded, and that the plaintiffs pay to the defendant eight hundred and eight dollars, as assessed as aforesaid by the assessors in said report mentioned.

Copies—Teste,

JOHN D. ALEXANDER, *Clk.*

VIRGINIA:

Circuit superior court of law and chancery, holden in and for the county of Campbell, to wit:

I, John D. Alexander, clerk of said court, do hereby certify that the foregoing is a true copy of the record and proceedings of a certain motion lately depending and determined in said court, wherein the James river and Kanawha company are plaintiffs, and John Percival is defendant, as fully and wholly as the same now exists among the records of my office. Given under my hand this 28th day of August 1839.

JOHN D. ALEXANDER.

Copies—Teste,

ROBERT TINSLEY, *Clk.*
Circ't Court of Amherst.

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[DOC. No. 16.]

REPORT OF THE SUPERINTENDENT OF THE ARMORY.

EXECUTIVE DEPARTMENT, Richmond, Dec. 24, 1839.

SIR,

I herewith transmit a communication from the captain of the public guard and superintendent of the armory accompanied by reports to be laid before the general assembly.

With the highest respect,

I am your obedient servant,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

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ARMORY, RICHMOND, November 30th, 1839.

SIR,

The short period which has elapsed since I took command of the public guard, and the time unavoidably consumed in preparing and moving into the armory, together with the time necessarily occupied by the current, continual and active duties of the office, prevent my making the annual report required by law of the captain of the public guard and "superintendent of public edifices" as full and satisfactory as I would wish.

On taking charge of the *company*, I found it in a fine condition as to discipline, and the general conduct of the men (with very few exceptions) remarkably good. Lieutenants Brown and Gay, on whom the command alternately devolved after the death of captain Bolling, discharged their duties with fidelity and promptness.

For want of time I have been unable to take a complete inventory of all the arms and accoutrements and other public property now in the armory. I therefore must refer to the returns of capt. Bolling made 30th November 1838, (marked C. and E.) which will be found amongst the "documents accompanying the governor's message," page 17 of the printed journals of the house of delegates. I will, however, prepare similar tables as soon as possible, and lay them before the armory committee, and furnish also the executive with copies of the same. I herewith forward returns of the arms, ordnance, &c., *received* and *issued* from the 30th November 1838 to the 30th November 1839, marked A. and B.

It is not in my power to make a correct statement of the amount of *contingent* expenses for repairs of arms for the twelve months past in consequence of some outstanding and unsettled accounts which exist by the sudden death of captain Bolling. These will speedily be adjusted by his executors, when if necessary the amount will be stated: the unsettled accounts however are but small. The pay of the artificers from 30th November 1838 to 30th November 1839 amounts to $3083 57. The amount of work done by the artificers during the same period is the overhauling, repairing, repolishing and repacking 1320 muskets: 802 muskets repaired, 194 of which are without bayonets; 190 repaired partly for stocking; 50 muskets restocked; 391 bayonets forged; 312 bayonets ground and filed; 376 rifles repaired but not polished; 200 new wipers for rifles; 150 new ramrods for ditto; 212 pistols repaired but not polished; 33 swords repaired and polished.

No sale has as yet been made of the muskets reported in 1837 as not worth repairing, because the number is still inconsiderable, and will "no doubt be added to every time we receive arms from the different parts of the state." When such quantity is collected as will warrant an advantageous sale, the act of the legislature directing it will be carried out, and care will be taken to comply with the act of the 8th April last, which requires such arms previous to their sale to be "unbreeched, hammered and otherwise broken," so as to prevent their use in any manner whatever as fire-arms or weapons.

That portion of the act of the legislature passed 8th April last which required the superintendent "to cause the walls of the armory to be repaired in places where it may be necessary, using hydraulic lime therefor, and to procure the speedy repair of the roof now covered with slate so as to prevent its leaking," was complied with last summer, but I regret now to state that the roof has again commenced leaking in several places both in the officers' quarters and in some of the rooms in which arms are stored. Prompt means ought therefore to be adopted to correct it, otherwise considerable injury may result to some of the arms. I fear, nevertheless, that it will be difficult to remedy the evil, as *slate* roofs are much more liable to leak than any other kind unless great care be taken "in putting on the sheathing." I have to report that some of the arms and equipments in the east wing of this building have sustained injury from the dilapidated condition of the floors which admit a quantity of damp-atmosphere. I am unable to remedy this, as there are no other suitable rooms in which to deposit these arms: indeed I think the whole building from its location altogether unsuitable as an arsenal.

It has been found impracticable to carry into effect the second section of the above recited act requiring the superintendent "to cause all arms unfit for service at the Lexington arsenal now or hereafter collected to be transported to the armory to be repaired and repacked in boxes for safe keeping," in consequence of there having been no provision made for the expense of the transportation of the arms from Lexington to this place. When that is done, no time will be lost in fulfilling the order of the general assembly in this particular.

The 4th section of the same act required the superintendent to contract with the lessee of the foundry for a relinquishment of that building. This contract has been effected upon the terms of the act, and that building is now used for the safe-keeping of the mounted artillery. The contract was returned to the executive by captain Bolling several months ago and approved.

The contracted and uncomfortable condition of the officers' quarters as well as those of many of the men induce me to hope that measures will be taken to have them extended and repaired—no repairs or alterations having been made to the officers' quarters for many years (as I am informed) except such as they have done at their own expense.

I am, very respectfully,
Your obedient servant,

J. B. RICHARDSON, *Captain and Superintendent of the Armory.*

To his Excellency DAVID CAMPBELL, *Governor of Virginia.*

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[A.]

ARMS AND ACCOUTREMENTS *received at the Armory, commencing 1st December* 1838, *and ending on the 30th November* 1839, *new and old included.*

OLD ARMS, &c.

Rifles.	Waist Belts.	Pouches.	Cavalry Swords.	Artillery Swords.
62	51	62	21	33

NEW ARMS, *Ordnance, Ordnance Stores, Equipments, &c., received from United States Government.*

Pistols.	Wipers.	Screw Drivers.	Ball Screws.	Bullet Moulds.	Spring Vices.	Cavalry Sabres.	Pistol Cartridge Boxes.	Sabre Belts and Plates.	Pairs of Holsters with Caps.	Pair Holsters without Caps.	Housings or Caps.	Packing Boxes.
1400	700	700	112	56	56	700	700	700	500	200	200	92
636	318	318	50	28	25	318	270	318	20			
2036	1018	1018	162	84	71	1018	971	1018	520	200	200	92

☞ Equal to 1727⅓ muskets.
Receipted for by adj't gen'l Peyton 25th Nov. 1839, viz: 1400 pistols and appendages, at $9, - - 12,600 00
700 sabres, new pattern, at $8, - 5,600 00
700 cavalry cartridge boxes, 700 sabre belts and plates, 700 pair holsters complete, at $6 07½, - 4,252 50

1727⅓ muskets, or - $22,452 50

☞ The above arms, &c., were received under one invoice on the 25th November 1839.

Ordnance and Ordnance Stores received from the United States Government.

6 Pounder Brass Field Guns.	6 Pounder Carriages, complete.	Sets of Harness for four Horses each.	Gunners' Haversacks.	Gunners' Tube Boxes.	Port Fire Cases.	Thumb Stalls.	Priming Horns.	Prolonges.	Vent Cover Straps.	Lint Stocks.	Port Fire Stocks.	Pricks or Priming Wires.	Gunners' Gimblets.	Vent Pouches.	Tangent Scales.	Port Fire Clippers.	6 Pounder Sponge Covers.	" Sponges and Rammers.	" Worms and Staves.	Tar Buckets.	Sponge Buckets.	Tow Hooks.
6	6	6	12	6	6	12	6	6	6	6	6	6	6	6	6	6	12	12	6	6	6	6

6 brass 6 pounders, weighing 4108 lbs., at 55 cents, is 2,259 40
6 pair stock trail carriages, 275, - - 1,650 00
6 sets of implements and equipments for each, 30 69, 184 02
6 setts of harness for four horses, 65, - - 390 00

Equal to 344 11-13 muskets, or - - $4,483 42

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[B.]

RETURN *of Arms and Accoutrements and Ordnance issued, commencing 1st December* 1838, *and ending 30th November* 1839.

Muskets.	Musket Cartridge Boxes.	Belts for Cartridge Boxes.	Bayonet Scabbards.	Rifles.	Powder Horns or Flasks.	Pouches or Cartridge Boxes.	Rifle Belts and Plates.	Cavalry Swords.	Pistols.	Pairs of Holsters.	Cavalry Cartridge Boxes.	Scabbard Slings.	Cavalry Sword Belts and Plates.	Artillery Swords.	Artillery Belts and Plates.	6 Pounder Cannon, complete.	Cannon Four Pounders.	Hall's Patent Rifles.
340	480	540	490	263	167	242	182	320	920	305	210	180	331	60	60	4	1	50

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[DOC. No. 17.]

REPORT

OF THE

COMMITTEE OF PRIVILEGES AND ELECTIONS.

The committee of privileges and elections have according to order had under consideration the memorial of Elbert H. Caldwell, to them referred, complaining of the undue election of John Scott, the delegate returned from the county of Marshall to represent the same in the present house of delegates, agreed upon a report and come to the following resolutions thereupon:

Your committee having read and duly considered the memorial of the petitioner, next turned their attention to the notice furnished by the petitioner to the returned member of his intention to contest his election, when it was admitted by the returned member that the said notice was received by him in due time.

In the said notice the votes of Thomas Clegg, John Wilson, John Henderson, Abraham Cane, Jacob Caufield, H. B. O'Neal, A. D. Clarke, Peter Markey, Edward Campbell, Owen Reily, John Rogerson, Francis Campbell, John Allen, Charles M'Kenegham, John Lemmon, James Fitzsimmons, William Hood, Josiah Talbert, Henry Dodocker, Robert Rush, William H. Kirkman, William H. Henry, Lewis Tomlinson, Joseph Tomlinson, Robert M'Connell, Andrew Montgomery, David Hederickson, Jacob Mathews, John Marshall, Philip Robinson, Edward Wilkinson, Levin C. Kirkman, Jacob Young, Jacob Richmond, Joshua Burge, Moses Smolley, Spencer Biddle, Henry Baker, George Ryan, Jesse Parsons, William Travis, William Clarke, Frederick Smith, John W. Barton, James Criswell, Aaron Young, Joseph Bane, John Williams, William Martin, Timothy Mayhall, Alexander Bar, Ebenezer Gorby, James Parks, William Ruth, Aaron Porter, Ebenezer Buchannon, Jesse Parsons, Reason Biddle, David Maclane and James Harbinson are objected to in these words, "not qualified to vote according to the constitution and laws of Virginia." To this objection Mr. Scott objected as being too general, and therefore not such a notice as the law requires. This objection was overruled by your committee, and they proceeded to examine the evidence adduced by the parties to this contest.

Resolved, That the objection of the contesting candidate annexed to the list and names of voters challenged on the poll of the returned member in these words to wit, "not qualified to vote according to the constitution and laws of Virginia," is sufficient, unless the objection to any voter or voters is that he or they labour under some express personal disability, according to the provisions of the constitution.

In relation to the votes of the said John Allen, David Hederickson, Lewis Tomlinson, Joseph Tomlinson, Jacob Richmond, John Williams, Ebenezer Buchanan and David Maclane, it appears to your committee by the admission of the returned member that they are illegal:

1. *Resolved therefore as the opinion of this committee*, That the votes of the said John Allen and the said seven other persons last above named are illegal.

In relation to the votes of the said Thomas Clegg, John Henderson, John Rogerson, Francis Campbell and Charles M'Kenegham, the memorialist, admits that each of them possesses some one of the constitutional qualifications to exercise the right of suffrage if they were citizens, but he objects to them as not being citizens of the United States.

By the deposition of the said Thomas Clegg, it appears "that he was born in Ireland and emigrated to the United States in 1792, forty-seven years ago—that he was then about nine or ten years of age—that he came with his father, but does not know whether his father was naturalized or not—that he had advised with the sheriff of Ohio county several years ago upon the propriety of taking the oath of allegiance, who told him that it was not necessary in consequence of his having served a tour in the army—that he served in the late war and was at Norfolk under Capt. John Bowest." By this testimony it is seen that Thomas Clegg is not a citizen of the United States, not having made the declaration and taken the oath required by law:

2. *Resolved therefore as the opinion of this committee*, That the vote of the said Thomas Clegg is illegal.

By the deposition of the said John Henderson it appears "that he the deponent moved to this country about the year 1812, and filed his declaration of intention of becoming a citizen in the county court of Marshall county last June three years ago: he the deponent never took any other steps to complete his naturalization:"

3. *Resolved therefore as the opinion of this committee*, That the vote of the said John Henderson is illegal.

By the deposition of the said Francis Campbell it appears "that he had lived in Marshall county more than a year; declared his intention of becoming a citizen of the United States the 20th day of October 1834, but has taken no further steps to complete his citizenship:"

4. *Resolved therefore*, That the vote of the said Francis Campbell is illegal.

By the deposition of the said John Rogerson it appears "that he voted for John Scott at the last election held in Marshall county, and presented his certificate declaring his intention to become a citizen of the United States, made in the county of Marshall on the 20th day of June 1836, but that he had not taken any further step necessary to become a citizen, for the reason that he had not known there was any other required for that purpose. Further says that when he made his declaration it was truly his intention to become a citizen of the United States; that he had been in the United States upwards of nine years, and was before the said election upwards of twenty-one years old:"

5. *Resolved therefore*, That the vote of the said John Rogerson is illegal.

By the deposition of the said Charles M'Kenegham, it appears "that he removed to the United States in the year 1791; that in June 1836 he went before the court in Marshall county and declared his intention of becoming a citizen of the United States, and has taken no further steps to complete his citizenship:"

6. *Resolved therefore*, That the vote of the said Charles M'Kenegham is illegal.

The vote of Jacob Cofield was next taken up by your committee, when the memorialist objected to the reading the deposition of the said Cofield, taken to sustain his vote, upon the ground that he the memorialist was obliged to attend court on the day it was taken, and could not attend the taking of the deposition. This objection was overruled by the committee, and the deposition was accordingly read, by which it appeared that notice was given the memorialist by the returned member, that the said deposition would be taken at the house of John T. M'Creery on the 16th October, and that it was taken at the house of the deponent. Upon this ground the deposition was rejected. And no other evidence being exhibited to establish the legality of the vote:

7. *Resolved*, That the vote of the said Jacob Cofield is illegal.

In relation to the vote of the said John Rush it appears by his own deposition that he was more than twenty-one years old at the date of the last election in Marshall county; that his father David Rush purchased of a certain Robert G. Howard a tract of land lying in said county, containing about seventy-six acres, and entered into a written agreement with the said Howard, by the terms of which the said Howard was bound to execute to the said David Rush a deed for said land when one hundred dollars the amount of the first payment was made, which was made in June 1838. That he the deponent had been living on said land nearly two years; that it was understood between his father and himself that the said land was purchased for him the deponent and the deed was directed by his father to be executed to him, but no deed has as yet been executed, nor is there any written agreement whatever between him and his father in relation to said land:

8. *Resolved therefore*, That the vote of the said Robert Rush is illegal.

In relation to the votes of the said William H. Kirkman, Joshua Burge, James Criswell, Edward Wilkinson and William Travis, it appears by their own depositions that they were upwards of twenty-one years old at the last election in the county of Marshall; had been housekeepers and heads of families more than twelve months preceding said election; had been assessed with a part of the revenue of the commonwealth for the year 1838, and had paid the same before they voted. By reference to the property book of the said county for the year 1838, it appears that they were assessed with a part of the revenue, and by reference to the list of delinquents returned to the auditor of public accounts by the sheriff of said county for the said year, it appears that the said Kirkman, Burge, Criswell and Travis were returned delinquent:

9. *Resolved therefore*, That the votes of the said William H. Kirkman, Joshua Burge, James Criswell, Edward Wilkinson and William Travis are illegal.

In relation to the vote of the said William H. Henry, it appears by his own deposition that he was upwards of twenty-one years old at the date of the last election in the county of Marshall; that he came to said county in April 1838 with the intention of residing there, and removed his family there in June following; that he was assessed in Brooke county in the year 1838 with a part of the revenue of the commonwealth, and paid the same before he voted. That he obtained a title bond for two hundred and ten acres of land lying in the county of Marshall six months before he voted; that he had paid fifty dollars on said land more than one year before the said election, at which time he had not obtained a deed for the land, but has obtained it since the election:

10. *Resolved therefore*, That the vote of the said William H. Henry is illegal.

In relation to the vote of the said John Marshall, it appears by his own deposition that he was upwards of twenty-one years old at the date of the last election in Marshall county; that he voted for John Scott by virtue

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of an interest in a certain parcel of land lying in said county, purchased by him of a certain Reason Winters; that a written contract was entered into between them bearing date 28th April 1838, by the terms of which he said Marshall was bound to pay to the said Winters twenty-five dollars on the 1st of April 1839; that he obtained immediate possession of the land and built a house and blacksmith's shop upon it six months previous to voting; he resides in the house, has paid fourteen dollars of the purchase money and intends to pay the balance:

11. *Resolved*, That the vote of the said John Marshall is illegal.

In relation to the vote of the said Moses Smalley, it appears by his own deposition that he voted on one hundred acres of land lying in Marshall county, "warranted more than two years ago," upon which he has built a house and grist mill and resides upon it. That he was not assessed with any part of the revenue for 1838. By a certificate of the register of the land office it appears that there is no grant or survey in the name of Moses Smalley recorded in that office:

12. *Resolved*, That the vote of the said Moses Smalley is illegal.

In relation to the vote of the said George Ryan, it appears by his own deposition that he was upwards of twenty-one years old, had been a housekeeper and head of a family in Marshall county more than twelve months before the last election, and was assessed with a part of the revenue of the commonwealth for the year 1838, but did not pay the same until since the election:

13. *Resolved therefore*, That the vote of the said George Ryan is illegal.

In relation to the votes of the said William Clarke, Frederick Smith and James Parks, it appears by their own depositions that they had been housekeepers and heads of families in the county of Marshall more than twelve months preceding the election; had been assessed with a part of the revenue of the commonwealth for the year 1838, and paid the same before voting. By reference to the property book of the said county for the year 1838, it appears that neither the said Clarke, Smith nor Parks were assessed with any part of the revenue for that year:

14. *Resolved therefore*, That the votes of the said William Clarke, Frederick Smith and James Parks are illegal.

In relation to the vote of the said Timothy Mayhall, it appears by his own deposition that he voted upon a title bond executed by Robert C. Woods for a certain parcel of land valued at one hundred dollars, the said bond bearing date the 28th August 1834. That he has enjoyed peaceable possession of the land more than four years; has built a dwelling house upon it in which he now resides, and has been offered twelve hundred dollars for it. The said land is assessed in the name of Robert C. Woods, with other lands adjoining it. He does not know that he could compel the said Woods to make a deed. He has complied with the terms of the title bond in part by making family flour, but has not completed the mills, which he intends to do:

15. *Resolved therefore*, That the vote of the said Timothy Mayhall is illegal.

In relation to the vote of the said Alexander Bar, it appears by his own deposition that he voted on a fee simple title to fifteen acres of land with a house and saw mill upon it, the deed bearing date 6th April 1839.

There is no evidence shewing the time the voter had held possession of the land, nor is there any assessment of it:

16. *Resolved therefore*, That the vote of the said Alexander Bar is illegal.

In relation to the vote of the said William Ruth, it appears by his own deposition that he has purchased of a certain John Dickey a moiety of a certain undivided tract of land lying in the county of Marshall, containing one hundred and ninety-one acres, for which he was to pay by various instalments, and on the payment of the last instalment, which will be due in April 1841, according to the terms of a written agreement entered into between them, the said Dickey is to execute to him the said Ruth a good and sufficient deed. The agreement entered into bears date 16th January 1838. Only the first and second payments have been made.

17. *Resolved therefore*, That the vote of the said William Ruth is illegal.

In relation to the vote of the said Jehu Parsons, it appears to your committee by his own deposition that he had been a housekeeper and head of a family for more than one year before the election, and had been a resident in the county of Marshall several years, but removed into the county of Tyler in February preceding the election:

18. *Resolved therefore*, That the vote of the said Jehu Parsons is illegal.

In relation to the vote of the said Reason Biddle, it appears to your committee by his own deposition that at the date of the last election he was upwards of twenty-one years old; had been a housekeeper and head of a family more than one year, and had resided in Marshall county several years preceding the 27th day of March 1838, when he removed to Wisconsin territory; that he returned from that territory on the 9th day of July following. That he was assessed with a part of the revenue of the commonwealth for the year 1838 on two horses and fifty-five acres of land, which he paid before he voted.

By the deposition of John Parriott, it appears that the said Reason Biddle informed him after the above deposition was taken that he owned no land in the county of Marshall at the time of the election, having sold all that he owned before he removed to Wisconsin territory:

19. *Resolved therefore*, That the vote of the said Reason Biddle is illegal.

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In relation to the vote of the said Andrew Montgomery, it appears by his own deposition that he was a citizen of Marshall county more than one year before the last election. That he voted on a title bond for one hundred acres of land lying in said county, of which he had enjoyed peaceable possession more than one year before voting, and had improved a portion of it on which he now resides. He "had paid upwards of one hundred dollars on it:"

20. *Resolved*, That the vote of the said Andrew Montgomery is illegal.

In relation to the vote of the said H. B. O'Neal, it appears by his own deposition that he was twenty-one years old at the date of the last election. That he had been a housekeeper and head of a family for twelve months preceding the said election; had been assessed with a part of the revenue of the commonwealth for the year 1838, and paid the same before he voted. That in 1811 he came to New York, where he duly declared his intention of becoming a citizen of the United States, and in 1812, in compliance with a proclamation of the president of the United States, he took the oath of allegiance as required by law, and received a certificate of naturalization:

21. *Resolved*, That the vote of the said H. B. O'Neal is illegal.

In relation to the votes of Abraham Cane, John Lemmon, William Hood, Jacob Mathews, Josiah Tolbert, Jacob Young, Jesse Parsons, John W. Burton, Joseph Bane, William Martin, Aaron Porter, A. D. Clarke and James Harbinson, it appears by the admission of the memorialist that they are legal:

22. *Resolved therefore*, That the votes of the said Abraham Cane and twelve other persons whose names are last above written are legal.

In relation to the vote of the said Peter Markey, it appears by his own deposition that he voted at the last election upon a tract of land lying in Marshall county, containing one hundred and fifty-two acres, for which he has had a deed nine or ten years, which was admitted to record in Ohio county many years past:

23. *Resolved therefore as the opinion of this committee*, That the vote of the said Peter Markey is legal.

In relation to the vote of the said Robert M'Connell, it appears by his own deposition that he voted at the last election on a tract of land lying in Marshall county, containing fifty acres, assessed at fifty cents per acre, for which he had a deed which had not been recorded, nor had it been acknowledged by the grantor:

24. *Resolved*, That the vote of the said Robert M'Connell is legal.

In relation to the vote of the said James Fitzsimmons, it appears by his own deposition that he is a native of Ireland, but has become a citizen of the United States in the manner prescribed by the constitution. That he is more than twenty-one years old, and voted on a tract of land lying in Marshall county containing one hundred and twenty acres, for which he has a deed and of which he was in possession more than six months previous to the last election:

25. *Resolved therefore*, That the vote of the said James Fitzsimmons is legal.

In relation to the vote of the said Philip Robinson, it appears by his own deposition that he voted upon one moiety of a tract of land containing five hundred acres, patented to Hugh Kerr, between whom and himself articles of agreement were entered into on the 19th day of January 1834, by which for considerations therein named, the said Kerr "conveyed" to said Robinson one moiety of said land. That he the deponent is over twenty-one years old and has been living on the said land two years next April. The written agreement aforesaid has not been admitted to record:

26. *Resolved*, That the vote of the said Philip Robinson is legal.

In relation to the votes of the said Levin C. Kirkman, Spencer Biddle and Henry Baker, it appears by their own depositions that they were upwards of twenty-one years old at the date of the last election—that they had been housekeepers and heads of families in the county of Marshall twelve months preceding the said election; were assessed with a part of the revenue of the commonwealth for the year 1838, and paid the same before they voted:

27. *Resolved therefore*, That the votes of the said Levin C. Kirkman, Spencer Biddle and Henry Baker are legal.

In relation to the vote of the said Aaron Young, it appears by his own deposition that he voted on a tract of land in Marshall county which he had owned three years, containing one hundred acres—that he has conditionally sold the said land to William Kirkman, and entered into a written agreement with him for the sale of the land, by which he is bound to execute to said Kirkman a deed when the last payment is made—that the said Kirkman has had possession of the land from the date of the purchase—that half the purchase money has been paid—the last payment was due last spring. The title is still in him the deponent, to whom the tax on the land for 1839 was charged.

By a statement in writing made by the register of the land office, it appears "that a patent for 100 acres of land situate in Marshall county on Lynn camp run, issued to Aaron Young on 30th October 1828:"

28. *Resolved therefore*, That the vote of the said Aaron Young is legal.

In relation to the vote of the said Ebenezer Gorby, it appears by his own deposition that he was over twenty-one years old at the date of the last election—that he has been a housekeeper and head of a family nineteen years in what is now Marshall county—that he thinks he was assessed with about sixty acres of land in said

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county for 1838, and paid the tax before he voted. He sold the said sixty acres of land to his son Jesse about three years ago, and executed a deed to him for the same at the time of sale, which has been recorded in said county and his son has lived on it from date of purchase. By reference to the land book for the county of Marshall for the year 1838, it appears that the said Ebenezer Gorby is charged with two tracts of land, one containing sixty the other eighty acres, assessed at fifty cents per acre:

29. *Resolved therefore*, That the vote of the said Ebenezer Gorby is legal.

Your committee having examined the votes upon the poll of the returned member which were objected to by the memorialist in his notice as aforesaid, proceeded to examine the votes upon the poll of the memorialist objected to by the returned member in the notice returned by him to the memorialist, which said notice was found by your committee and admitted by the memorialist to be such a notice as the law requires, and to have been given in due time.

In the said notice the votes of William M'Farland, John Moore, Jesse Bane, Ralph Marsh, David Clyde, John Gallaher, Garret Snediger, Francis M'Grath, Joseph Alexander, Henry Koch, Thomas H. List, Hugh Stewart, Hugh Kar, Alexander M. Dennison, William Clawson and John M'Cardle were objected to in these words, to wit: "Not qualified to vote under the constitution and laws of Virginia, because he is an alien." It was contended by the returned member that this objection was general and embraced all the constitutional objections notwithstanding the specific objection with which it ends, but your committee did not hesitate to decide that it was an objection to alienage only, and therefore specific; and such of the persons to whose votes the said objection was made as have been proven by the evidence to have become citizens of the United States, have been considered and decided by your committee to be legal voters, and are hereinafter reported as such.

In the said notice the votes of John Custor, William Cummins, Bonar A. Connelly, Robert Clendening, David Allen, William Collins, James Gallaher, William Moore, James Campbell, George M'Caskey, John M'Combs sen'r, David Henderson, John Allen and James Baird are objected to in these words: "Not a legal voter because he is an alien and is not otherwise qualified to vote according to the constitution and laws of Virginia." The votes of David M'Mechen jun'r, Joseph Harris, George Majors, Turner Parriott, John Majors, David Majors and Alexander Clegg are objected to in these words: "Not a legal voter because he is not twenty-one years of age and is not otherwise qualified to vote according to the constitution and laws of Virginia." And the votes of Andrew Kiger, John Benson, William Yancey, James Luke, George Gray, John Hitesman, Clement Leech, George Pelly, Joseph Wilson, William O. Powell, Daniel Majors, David Nickison, Morgan Jones sen'r, John Sharp, Thomas Morgan, John A. Roe, John Hammond, William Cochran, Thomas Johnson, William Wilson, John Parriott, Elias Majors, Gaius Roberts, David Bonar, James Games, David W. Parker, Caleb Blakemore jun'r, Robert Tomlinson, Garrison Jones, Jacob Sheppeard, Eli Tolbert, Samuel Clegg, Vincent Garrison, Daniel Jones, Thomas Taylor, James Purdy, Dennis M. Parriott, Simeon Purdy sen'r, Joseph Hammond, Rev. Moses Tichnel, James Patteson, John M. Baird, Jacob Grindstaff, James Jameson, Isaac Davis, Joshua Blake, Michael Pyles, Allen Davis, Edward W. Carier, Edward Supler, Joseph G. Hicks, Thomas Burrows and Friend Cox are objected to in these words: "Not qualified to vote according to the constitution and laws of Virginia."

In relation to the votes of John Moore, Ralph Marsh, Robert Clendening, William Collins, James Gallaher, William Moore, James Baird, David Bonar, Caleb Blackmore jun'r, Joseph Hammond, Moses Tichnel, Allen Davis and Joseph G. Hicks are admitted by the memorialist to be illegal:

30. *Resolved therefore as the opinion of this committee*, That the votes of the said John Moore and twelve others last above written are illegal.

In relation to the vote of the said Turner Parriott, it appears to your committee by the deposition of John Parriott that the said Turner Parriott was twenty-one years old at the date of the last election, and voted for Elbert H. Caldwell upon an interest in twenty-five acres of land lying in Marshall county, assessed at one dollar per acre, for which he the said John Parriott had executed and acknowledged a deed, the said deed bearing date the 15th day of July 1838. And by the depositions of Nicholas Wikert and Andrew Miller it appears that the twenty-five acres of land conveyed by John Parriott to his son Turner Parriott, and upon which the said Turner voted as aforesaid was a part of a tract containing one hundred acres which had been patented to the said John Parriott and Nicholas Wikert; that the said Wikert discovered in July 1837 that a certain M. Howser had a prior and better claim to one thousand acres of land including the said tract of one hundred acres, which he has subsequently sold. By reference to the land book of the commissioner of the revenue in the county of Marshall for 1838, it appears that the said tract of land of one hundred acres claimed by Wikert and John Parriott is assessed to John Parriott and the said Wikert at fifty cents per acre:

31. *Resolved therefore as the opinion of this committee*, That the vote of the said Turner Parriott is illegal.

In relation to the vote of the said Alexander Clegg, it appears by his own deposition that he voted as a housekeeper and head of a family, "but that some two or three weeks before the election he moved to his father's house where he continues to live; that he finds his proportion of the provisions but eats at his father's table with his family:"

32. *Resolved therefore*, That the vote of the said Alexander Clegg is illegal.

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In relation to the vote of the said James Luke, it appears by his own deposition that he voted for E. H. Caldwell at the last election; was more than twenty-one years old at the date of the election, has resided in Ohio and Marshall counties twenty-seven years; he voted in right of sixty-four acres of land lying in Marshall county, for which he obtained a deed on the 1st September 1838 from Robert C. Woods; that he has lived on said land since the 18th September 1838. He was born in Ireland and came to this country when he was three months old; and it not appearing to your committee that the said James Luke has ever been naturalized:

33. *Resolved*, That the vote of the said James Luke is illegal.

In relation to the vote of the said William Wilson, it appears to your committee by his own deposition that he voted on a lot in Elizabethtown, which was conveyed to him by deed bearing date the 10th November 1832, which was acknowledged on the same day but has never been recorded. By reference to the land book of the commissioner of Marshall county for 1838, it appears that the said lot has not been assessed:

34. *Resolved therefore*, That the vote of the said William Wilson is illegal.

In relation to the vote of the said James Games, it appears by his own deposition that he voted for E. H. Caldwell as a housekeeper and head of a family, having been such twelve months preceding the election; was assessed with a part of the revenue for 1838 and paid the same before voting. By reference to the list of delinquents in the revenue returned by the sheriff of Marshall for the year 1838, it appears that the said James Games was returned delinquent:

35. *Resolved therefore*, That the vote of the said James Games is illegal.

In relation to the vote of the said Eli Tolbert, it appears by his own deposition that he had been a housekeeper and head of a family twelve months preceding the last election, had been assessed with a part of the revenue upon one horse for the year 1838, and actually paid the same before he voted.

By the deposition of Joshua Burley, it appears that he knows that the said Tolbert was assessed with a part of the revenue for 1838, and that he paid it before he voted. By the commissioner's book for 1838, it appears that the said Tolbert was assessed with one horse. By the deposition of the said Eli Tolbert it appears that he bought his horse 1836 and he died in February 1836:

36. *Resolved therefore*, That the vote of the said Eli Tolbert is illegal.

In relation to the vote of the said Daniel Jones, it appears by his own deposition that he voted on a tract of land lying in Marshall county containing two hundred and fifty-three acres, three fourths of which he purchased three years ago; at the time of purchase he paid six hundred dollars, an equal amount the following fall, and last October paid half the balance, and ready to pay the balance now due, but the vendor told him he did not care to receive it, but told the deponent that if he would execute his notes for the amount still due he would execute to him a deed for the land which he has failed to do, and consequently no deed has been executed to him; that the said Daniel Jones got possession of the said land on the 1st day of April 1839:

37. *Resolved*, The vote of the said Daniel Jones is illegal.

In relation to the vote of the said Dennis M. Parriott, it appears by his own deposition that he had been a housekeeper and head of a family for twelve months preceding the last election; was assessed with a part of the revenue for the year 1839 and paid the same before he voted. By reference to the commissioner's books for the year 1838, it appears that the said Parriott was assessed with a horse in that year. The deponent further states that he lives in a house with Mr. Price, having possession of one room in the house, over which he has entire control; by the agreement between them the deponent is to regard the apartment occupied by him as his own; that the deponent uses his own furniture and the two families eat at the same table, the supplies being furnished in equal proportions by the parties; Mr. Price owns the land a part of which deponent farms separately and pays rent for it, but no rent for the house separately, "which is taken into consideration of the rent as is usually the case in such instances." Repairs to the house have been made by them for which deponent paid his portion. By reference to the list of delinquents in the revenue returned by the sheriff of Marshall for the year 1838, it appears that the said Dennis M. Parriott was returned delinquent:

38. *Resolved therefore*, That the vote of the said Dennis M. Parriott is illegal.

In relation to the vote of the said James Patterson, it appears by the deposition of David Wells that he voted on a tract of one hundred and fifty acres of land lying in Marshall county, which said Patterson purchased from the deponent about the first of February 1839. On the 8th or 9th of April last he paid one hundred dollars, and the balance, six hundred and fifty dollars, he is to pay in two years from last April. He took possession at the time of purchase, but is not entitled to a deed until the balance of the purchase money is paid:

39. *Resolved therefore*, That the vote of the said James Patterson is illegal.

In relation to the vote of the said Thomas Burrows, it appears by his own deposition that he voted on a right to a tract of land containing fifty acres lying in Marshall county, which he purchased in April 1838 for three hundred dollars—he paid fifty dollars cash, and at several times has made payments amounting to nearly three hundred dollars—the year before he removed to the said land he rented it to his father, and since the first of April last has lived on it himself. By the terms of the contract, which is not in writing, he was entitled to a deed for said land when two hundred dollars were paid, and he thinks that amount was paid six months before the last election.

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The deponent's father spoke to Morgan Jones to draw a deed for the said land, which he understands was done some time in last May before the election, but it has not yet been executed, deponent not having had time to attend to it as Jones lives about twenty miles from him:

40. *Resolved therefore*, That the vote of the said Thomas Burrows is illegal.

In relation to the votes of said Jesse Bane, David Clyde, John Gallaher, Joseph Alexander, Thomas H. List, Hugh Stewart, Alexander M. Dennison, John M'Cardel, William Cummins, James Campbell, John M'Combs, David Henderson, Joseph Harris, Thomas Morgan, John Hammond, Vincent Garrison, Henry Koch and Isaac Davis, it appears by the admission of the returned member that they are legal:

41. *Resolved therefore*, That the votes of the said Jesse Bane and seventeen other persons last above named are legal.

In relation to the vote of the said William M'Farland, it appears by his own deposition that he is forty-nine years old, was born in Ireland, came to America in 1812, and in 1814 he made declaration of his intention to become a citizen of the United States, before a court held in Providence, Rhode Island—and in 1817 applied for admission as a citizen of the United States, before a court held in the same place, and received his certificate of citizenship. The deponent had not at the time of giving his deposition said certificate with him:

42. *Resolved as the opinion of this committee*, That the vote of the said William M'Farland is legal.

In relation to the vote of the said Garrett Snedeger, it appears by his own deposition that he was born in Brooke county, Virginia:

43. *Resolved therefore*, That the vote of the said Garrett Snedeger is legal.

In relation to the vote of the said Francis M'Grath, it appears by his own deposition that he was born in Philadelphia:

44. *Resolved therefore*, That the vote of the said Francis M'Grath is legal.

In relation to the vote of the said Hugh Karr, it appears by his own deposition that he was born in the United States in the year 1788, his father having come to the United States one or two years before his birth:

45. *Resolved therefore*, That the vote of the said Hugh Karr is legal.

In relation to the vote of the said William Clauson, it appears by his own deposition that he was born in Ireland—that five or six years ago he declared his intention to become a citizen of the United States, before the court of Ohio county, Virginia—two years afterwards he went before the court and took the oath of allegiance as a citizen—he proved to the court at that time that he had been a peaceable citizen, which was satisfactory to the court, and he was admitted a citizen of the United States—that he did not obtain a certificate from the clerk, not deeming it necessary to do so:

46. *Resolved therefore*, That the vote of the said William Clawson is legal.

In relation to the vote of the said John Allen, it appears by his own deposition that he was more than twenty-one years of age, was born in the county of Ohio, now Marshall, was a housekeeper and the head of a family in the said county more than twelve months before the election, and was assessed with a part of the revenue of the commonwealth for the year 1838, and paid the same before he voted.

Deponent states that he and his father-in-law both live in the same house, his father-in-law in one part and he in the other; they eat at the same table, but each provides his portion of the provisions, and they share equally the expenses of housekeeping; they farm together and divide the profits of the farm. He considers the house as much his as Mr. Bartow's. Their families are about equal in size, and deponent's wife does the chief work of housekeeping. That Mr. Bartow voted on a freehold interest:

47. *Resolved therefore*, That the vote of the said John Allen is legal.

In relation to the vote of the said John Custor, it appears by his own deposition that he voted for E. H. Caldwell at the last election, at which time he was more than twenty-one years of age, was born in Pennsylvania, and voted on two tracts of land containing fifty-two acres and ninety-seven poles lying in Marshall county, for which he had deeds, one of which was admitted to record on the 12th May 1836, the other on the 21st August 1837, and has had the said land in possession upwards of three years:

48. *Resolved therefore*, That the vote of the said John Custor is legal.

In relation to the vote of the said Bonard A. Connelly, it appears by his own deposition that he is more than twenty-one years of age; was born in Pennsylvania; has been a housekeeper and head of a family in the county of Marshall since the fall of 1837; was assessed with a part of the revenue for the year 1838, and paid the same before the last election:

49. *Resolved therefore*, That the vote of the said Bonard A. Connelly is legal.

In relation to the vote of the said David Allen, it appears by his own deposition that he is upwards of twenty-one years old; was born in the county of Marshall; had been a housekeeper and the head of a family in Marshall county more than twelve months before the last election; was assessed with a part of the revenue for the year 1838, and paid the same before he voted:

50. *Resolved therefore*, That the vote of the said David Allen is legal.

In relation to the vote of the said George M'Caskey, it appears by his own deposition that he was born in Pennsylvania; removed to Marshall county about forty-three years ago; has been a housekeeper and head of a

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family therein twenty-one years; was assessed with a part of the revenue for the year 1838, and paid the same before he voted:

51. *Resolved therefore*, That the vote of the said George M'Caskey is legal.

In relation to the vote of the said David M'Mechen jr., it appears by his own deposition that he is over twenty-one years of age; was born in what is now Marshall county, Virginia, and has always resided therein; he voted on a lot of ground in Elizabethtown in said county, for which he has had a deed more than a year, which deed is recorded in said county, and that said lot is assessed to him at seventy-five dollars:

52. *Resolved*, That the vote of the said David M'Mechen is legal.

In relation to the vote of the said George Majors, it appears by the deposition of Joseph Majors that he is over twenty-one years old; was a housekeeper and head of a family in Marshall county more than twelve months preceding the last election; was assessed with a part of the revenue for the year 1838, and the deponent paid the same for the said George Majors before he the said George voted:

53. *Resolved therefore*, That the vote of the said George Majors is legal.

In relation to the votes of the said David Majors and John Majors, it appears by the deposition of Joseph Majors that the said David and John are both over twenty-one years of age; that they voted at the last election on one hundred and sixty or one hundred and seventy acres of land, which is assessed in the name of Elias Majors; that the said land was purchased by the said John and David, together with their brothers Elias, Daniel, George and Joseph, about twelve years ago from Elias Majors, since deceased. By a written agreement between the said John, David and others and the said Elias, the latter bound himself and his heirs to make a deed to them when all the money was paid; they have paid about thirteen hundred dollars in equal proportions; having equal interests in the land they pay equal portions of the purchase money: the principal part of this sum was paid more than a year ago, and about six hundred dollars remain due; and the said Elias, the grantor, having died, and his heirs not being able to make a deed, the payment of the balance has been delayed on that account. David and John are now and have been for some years past living on different parts of said land:

54. *Resolved*, That the votes of the said David Majors and John Majors are legal.

In relation to the votes of the said Andrew Kiger, John Benson, William Yaney, George Gray, John Hitesman, Clement Leich, George Pelly, William O. Powell, Daniel Majors, David Nickerson, Morgan Jones senr., John Sharp, William Cochran, Thomas Johnson, John Parriott, Elias Majors, David W. Parker, Garrison Jones, Jacob Shepherd, Samuel Clegg, John N. Baird, Jacob Grindstaff, it appears to your committee by their own depositions that they were all upwards of twenty-one years of age; had been housekeepers and heads of families in the county of Marshall more than twelve months preceding the last election; had been assessed with a part of the revenue of the commonwealth for the year 1838, and paid the same before they voted:

55. *Resolved therefore*, That the votes of the said Andrew Kiger and twenty-one other persons last above named are legal.

In relation to the vote of the said Joseph Wilson, it appears by his own deposition that he is over twenty-one years of age, and has resided in Marshall county a number of years; he voted on sixty-one and a half acres of land lying in said county, which he purchased in 1834 of Abijah M'Clean; he received a deed for the same in December 1839 which is duly recorded, and has had possession since his purchase:

56. *Resolved therefore*, That the vote of the said Joseph Wilson is legal.

In relation to the vote of the said John A. Roe, it appears by his own deposition that he voted on two parcels of lands, in or adjoinmg Elizabethtown in the county of Marshall, which were conveyed to him by William Woodburn and wife, by deed dated 21st August 1838, acknowledged 18th September 1838, and recorded 23d May 1839; the said parcels of land are assessed in the name William and James Woodburn. By reference to the land book of the county of Marshall for the year 1838, it appears that William and James Woodburn are assessed with two parcels of land at fifty-seven dollars and fifty cents:

57. *Resolved*, That the vote of the said John A. Roe is legal.

In relation to the vote of the said Gaius Roberts, it appears by his own deposition that he had been a housekeeper and head of a family in the county of Marshall for thirty-five years, was assessed with a part of the revenue of the commonwealth for the year 1838, but is not positive that he paid the tax before the election. By the deposition of Joshua Burley, deputy sheriff in said county for 1838, it appears that the said Gaius Roberts paid the revenue charged to him for 1838, certainly before the last election, but he does not recollect the particular day:

58. *Resolved therefore*, That the vote of the said Gaius Roberts is legal.

In relation to the vote of the said Robert Tomlinson, it appears by his own deposition that he voted on part of a lot of land in Elizabethtown in Marshall county, which said part was conveyed together with another lot, (which was sold before the election under a mortgage) to William P. Davis, as trustee for the benefit of deponent and his wife, who were to have the use and profits of the lot during their lives, and then it is to go to their children; the deed was made more than two years ago and is recorded in Marshall county. Deponent has lived with his family on said lots for four or five years:

59. *Resolved therefore*, That the vote of the said Robert Tomlinson is legal.

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In relation to the vote of the said Thomas Taylor, it appears by his own deposition that he voted on an interest in one hundred and thirty-five acres of land, and a lot with a house thereon in Elizabethtown in the county of Marshall, which were conveyed by deed dated 11th July 1837 from William Yaney to deponent's wife and seven other children of said Yaney, which deed is recorded. None of the said children are of age except deponent's wife, Martha Frances, who is the oldest child and is about twenty-one years of age. By reference to the land book it appears that the said land and lot are charged to Martha F. Yaney:

60. *Resolved therefore*, That the vote of the said Thomas Taylor is legal.

In relation to the vote of the said James Purdy, it appears by his own deposition that he was over twenty-one years of age at the last election; had been a housekeeper and head of a family more than twelve months preceding said election, was assessed with a part of the revenue of the commonwealth for the year 1838, and paid the same before he voted; that the horse upon which the said revenue was paid was given him by his father-in-law, who now has him in possession in the country keeping him for the deponent, and has so had him since last spring:

61. *Resolved*, That the vote of the said James Purdy is legal.

In relation to the vote of the said James Jameson, it appears by his own deposition that he voted on a tract of land in Marshall county containing one hundred and thirty acres, for which he has had a deed six or seven years, which is recorded in Ohio county:

62. *Resolved therefore*, That the vote of the said James Jameson is legal.

In relation to the vote of the said Joshua Blake, it appears by his own deposition that he voted on fifty-five and a quarter acres of land in Marshall county, for which he has had a deed since the spring of 1838, which is recorded in said county:

63. *Resolved*, That the vote of the said Joshua Blake is legal.

In relation to the vote of the said Michael Pyles, it appears by the deposition of Joshua Burley that the said Michael Pyles had been a housekeeper and head of a family for twelve months preceding the last election, was assessed with a part of the revenue of the commonwealth for the year 1838, which was paid to him the said Joshua Burley as deputy sheriff, by Jacob Burley for the said Pyles before the last election:

64. *Resolved therefore*, That the vote of the said Michael Pyles is legal.

In relation to the vote of the said Edward W. Carier, it appears by his own deposition that he voted on a tract of land lying in Marshall county containing two hundred and eighteen acres, which he holds in right of his wife, to whom the land was conveyed by John Carier and wife and Lise Buchanan and Sydney C. Buchanan, by deed dated 18th August 1838, which said deed was recorded 10th September 1838:

65. *Resolved*, That the vote of the said Edward Carier is legal.

In relation to the vote of the said Edward Supler, it appears by his own deposition that he voted on a tract of land lying in Marshall county containing one hundred and three acres, for which he has had a deed about three years:

66. *Resolved therefore*, That the vote of the said Edward Supler is legal.

In relation to the vote of the said Friend Cox, it appears by his own deposition that he voted on a tract of land lying in the county of Marshall containing one thousand acres, devised to him by Robert Woods deceased. The will of the said Woods is recorded in the county of Ohio:

67. *Resolved*, That the vote of the said Friend Cox is legal.

In relation to the vote of the said Simeon Purdy senior, it appears by his own deposition that he was over twenty-one years old at the date of the last election—was born in the state of New York, and has resided in Marshall county near six years past—that he voted on a lot of land in Moundville containing an acre and a half with a house thereon more than twelve feet square, which was conveyed to him by Simeon B. Purdy and wife about four years ago—that he lives on said lot, and has lived on it since its purchase. He thinks said property worth at least $2000.

By reference to the land book of the county of Marshall for the year 1838, it appears that the said Simeon Purdy senior, is assessed with a lot of land containing one and a half acres adjoining the town of Moundville, and assessed at twenty dollars:

68. *Resolved therefore*, That the vote of the said Simeon Purdy sen'r is legal.

69. *Resolved as the opinion of this committee*, That the votes of Thomas Clegg, John Henderson, Jacob Cofield, H. B. O'Neal, John Rogerson, Francis Campbell, John Allen, Charles M'Kenegham, Robert Rush, William H. Kirkman, William H. Henry, Lewis Tomlinson, Joseph Tomlinson, Andrew Montgomery, David Hedrickson, John Marshall, Edward Wilkinson, Jacob Richmond, Joshua Burge, Moses Smalley, George Ryan, William Travis, William Clarke, Frederick Smith, James Criswell, John Williams, Timothy Mayhall, Alexander Barr, James Parks, William Ruth, Ebenezer Buchanan, Jehu Parsons, Reason Biddle, David Maclane, Edward Campbell and Owen Riley ought to be stricken from the poll of the returned member because they are illegal.

70. *Resolved*, That the votes of John Moore, Ralph Marsh, Robert Clendening, William Collins, James Galluher, William Moore, James Baird, Turner Parriott, Alexander Clegg, James Luke, William Wilson, Da-

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vid Bonar, James Games, Caleb Blakemore, Eli Talbert, Daniel Jones, Dennis M. Parriott, Joseph Hammond, Moses Tichnel, James Patterson, Allen Davis, Joseph G. Hicks and Thomas Burrows should be stricken from the poll of the memorialist because they are illegal.

The polls at the close of the election stood thus:

For John Scott,	314
Deduct illegal votes,	36
Remaining good votes,	278
For Elbert H. Caldwell,	308
Deduct illegal votes,	23
Remaining good votes,	285

71. *Resolved as the opinion of this committee*, That the poll ought to stand thus:

For Elbert H. Caldwell,	285
For John Scott,	278

And that Elbert H Caldwell was duly elected to represent the county of Marshall in the present house of delegates.

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STATEMENTS BY THE TREASURER.

TREASURY OFFICE, 30TH DECEMBER 1839.

To the honourable the Speaker of the House of Delegates.

In compliance with a resolution of the house of delegates dated the 24th instant, calling on the treasurer for certain information, I have the honour to submit the following

STATEMENTS:

Amount of United States surplus revenue deposited with this state, viz:

1837—January quota,	- -	732,809 33—deposited 10th January 1837,		
April "	- -	732,809 33—deposited 1st April 1837,		
July "	- -	732,809 33—deposited 1st July 1837,		
		- - -		2,198,427 99
And has been disposed of as follows, to wit:				
Loaned to the Bank of Virginia,	- - -		325,000 00	
Ditto Farmers Bank of Virginia,	- -		505,000 00	
Ditto Bank of the Valley,	- -		370,000 00	
1837—July 4—Paid subscription to the Northwestern Bank at Wheeling,	-		200,000 00	
Oct. 3— Same,	- -		82,809 33	
July 14—Paid subscription to Exchange Bank at Norfolk,	- -		450,000 00	
19—Loaned by the executive to the Richmond and Petersburg rail-road company,	- - -		98,065 83	
Retained under the 7th section of the act of 24th June 1837, entitled "an act concerning the state's proportion of the surplus revenue of the United States, and for other purposes,"	- - - -		167,552 83	
				$2,198,427 99

Interest Received.

From the Bank of Virginia,	- - -	30,902 82
" Farmers Bank,	- - -	48,225 78
" Bank of the Valley,	- - -	35,656 82
" Richmond and Petersburg rail-road,*	- -	5,883 95
		$ 120,669 37

*On the 19th January next the further sum of $8825 92 will be due from this company.

Invested in Bank Stocks.

1837—July 4—Northwestern Bank at Wheeling,	- - -	200,000 00
Oct. 3— Same,	- - -	82,809 33
July 14—Exchange Bank at Norfolk,	- - -	450,000 00
1839—June 6—Bank of Virginia,	- - - -	325,000 00
" 6—Farmers Bank,	- - - -	505,000 00
Aug. 6—Bank of the Valley,	- - - -	370,000 00
		$ 1,932,809 33

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Amount of Dividends Received.

1839—June 17—From the Exchange Bank, - - -	26,189 31		
" Northwestern Bank,* - - -	9,232 00		
		$35,421 31	

*In addition to this sum the further sum of $24,908 67 of dividends on stock in this bank has been applied to the payment of stock.

Amount borrowed to pay State's Subscription.

1839—May 21—To Exchange Bank, - - - -	295,000 00		
July 1—To Northwestern Bank, - - -	92,282 00		
		$387,282 00	

Interest paid on said Loans.

July 1—On loan to pay subscription to Exchange Bank, -	1,579 64		
Due on the first July, - - -	39 23		
		$1,618 87	
Due on said loan on the first January 1840, - -	$11,618 46		

The dividends on the stock paid for with the money obtained by said loans are not due until the 1st January next; and I have no means of ascertaining the amount. But should the banks divide three per cent. for the last half year they will amount to $11,618 46.

All of which is respectfully submitted.

L. BURFOOT, *Treas'r Com'th.*

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[DOC. No. 19.]

REPORT

OF THE

COMMITTEE OF PRIVILEGES AND ELECTIONS.

The committee of privileges and elections have according to order had under consideration the memorial of Caleb Tanzey to them referred, complaining of the undue election of James Evans as a delegate to represent the county of Monongalia in the present house of delegates, have agreed upon a report and come to the following resolutions thereupon:

Your committee having read the memorial of the said Caleb Tanzey the contesting candidate, were proceeding to read and consider the notice by him furnished to the said James Evans the sitting member of his intention to contest his election, when an objection in writing was made by the said Evans to the validity of the said notice in substance, that whilst he objected to the legality and sufficiency of said notice, yet if the contesting candidate could prove any fraudulent alteration of the polls, the cutting off any portion thereof or their illegal erasure or mutilation in any way or manner after the close of the election, then he the said Evans consented to waive such objection and to allow the committee to act upon the proofs of such fraud, but in no other matter involved in the contest. After hearing and duly considering this objection, the said election having been held on the 23d day of May last and the notice of the said Tanzey of his intention to contest being delivered to the said Evans on the 13th day of June thereafter, being a period of twenty-one days after said election was commenced and held, and the memorial of the said Tanzey alleging that *all* the poll-books of said election or copies thereof had not been as prescribed by law delivered by the sheriff conducting the election at the courthouse of Monongalia to the clerk of said county within six days after said election had commenced, your committee were of opinion that as the law evidently contemplated that a candidate desirous to contest the seat of a returned member should have the benefit of at least fifteen days between the commencement of an election for the house of delegates and the delivery of his notice to the returned member to examine and scrutinize the polls, to prepare his list of objectionable votes, rendered of late more important by the 4th section of the act entitled "an act to amend the act concerning general elections," requiring an affidavit of the contesting candidate that the persons contained in such list were not in his opinion legally qualified to vote in the election to be contested, your committee thought that though the *letter* of the law did unquestionably require the notice in this case at an earlier day, yet they could not believe, under the circumstances, (the fact being proved that all the poll-books were not delivered to the clerk of Monongalia by the said sheriff until after the expiration of the time within which by law they should have been,) that its *spirit* would or ought to bear such an interpretation—an interpretation which would establish the principle that at any time in any election the sheriff superintending the same at the courthouse of a county should have the power by withholding the poll-books beyond the time prescribed by law, of actually preventing any candidate desirous to contest the seat of a returned member of exercising so high, so sacred and so inestimable a privilege. Influenced by such and other considerations your committee came to the following resolution:

1. *Resolved*, That under the particular facts and circumstances of the present contest, the notice of the contesting candidate delivered to the sitting member on the 13th June 1839 of his intention to contest his seat in the present house of delegates is sufficient and ought to be sustained.

Having disposed of the foregoing objection and adopted the foregoing resolution your committee were proceeding to examine the testimony taken and filed by the contesting candidate in support of his memorial when the said James Evans objected to the reading of the same upon the ground that the petitioner did not commence taking the depositions proposed to be read within one month after the delivery of his notice contesting said election. The delivery of said notice was, as before stated, on the 13th day of June 1839; the day on

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which the petitioner commenced taking his depositions was on the 13th day of July 1839, being a period of thirty days. Your committee construing the word "month" used in the act concerning general elections to mean a calendar and not a lunar month, overruled the objection and adopted the following resolution:

2. *Resolved*, That the petitioner in this case commenced taking his depositions within the time prescribed by law.

Having disposed of these preliminary questions your committee proceeded to examine and consider the evidence filed both pro and con, the substance of which is as follows:

By the deposition of Francis Mavel Brand it appears that he offered to vote but the sheriff refused to take his vote, when he informed the sheriff he had been a voter four years—Mr. Hanaway a commissioner was present and informed the sheriff that I owned land, still the sheriff persisted in his refusal to take his vote. The deponent states he intended to vote for Mr. Tanzy which he believes the sheriff knew.

Alexander Scott states that he wished to vote but the sheriff refused to take his vote, that he would have voted for Mr. Tanzey if allowed to vote. He informed the sheriff he had bought land which he had held possession seven months and for which he had a title bond. By the terms of the title bond he was not to receive a deed for the land until part of the purchase money was paid, that no part had been paid as no part was due.

Enoch Scott states that he informed the sheriff that the said Alexander Scott had bought land of which he had been in possession seven months, but the sheriff still refused to suffer the said Alexander Scott to vote.

Edward Bussey states that he offered to vote for Mr. Tanzy but the sheriff refused to take his vote—he informed the sheriff he had a good vote, when the sheriff replied that he knew he had no vote. The deponent states that he had a title bond for land about one year, of which he had held possession about eight months, had obtained a deed four months before the election, and had paid fifteen hundred dollars of the purchase money. The deponent had been a resident in the state about eight months before the election, had been taxed but had not been called on for his taxes.

Samuel Patton states that he presented himself at the polls to vote for Mr. Tanzy but the sheriff refused to take his vote. He informed the sheriff that he had bought land in the county for which he had a deed—he came into the state about the last of March 1839, but seeded a crop of small grain in October 1838, as he was privileged to do, but lived in Pennsylvania at that time. He had paid one thousand dollars on the land on the 1st April.

Selby Sapp states that he voted for Mr. Tanzy, and after leaving the polls was informed that his vote had been stricken from the polls. He did not pay a revenue tax in 1838. That "L. H. Dorsey rose up and said I had no vote." Deponent was married in May 1839.

Waitman Flemming states that he was present at the time that Selby Sapp voted—he heard the sheriff say something to the clerks and saw him point over to them; they then struck the vote of the said Sapp from the poll. The sheriff did not call Sapp back to be sworn before his vote was stricken from the poll. The deponent has seen the poll-books since the election, and saw that N. Chester's vote was "marked out" of Mr. Tanzy's shortest poll-book at the Morgantown district.

Joseph Eddy states that the Sunday week after the election he saw George D. Evans the sheriff, and "asked him how the election went?" to which the said Evans replied that Clayton and Tanzy were elected, "and he expected that Willey and Steenrod were without doubt, and sorry he was for it."

John Camp states that he called on George D. Evans two or three times to see the poll-books for the purpose of ascertaining who were elected, but could not see them at either time—the sheriff said he did not have them with him. On court day he called to see them, when he received the same reply. The sheriff asked what he wanted to see them for? when he informed the sheriff he had made some bets on the election and wanted to know how the polls were, and particularly the Morgantown poll, how Morgan and John's polls were—he said he would shew me if he had time. Soon afterwards the sheriff informed him how the polls stood between Morgan and John. The deponent states that he called on sheriff Conway and asked him how many votes Mr. Tanzy got at Middletown? when he was informed by the said Conway that Mr. Tanzy got sixty-nine votes at that place. This enquiry was made at the request of said Tanzy. Deponent does not recollect that he heard the sheriff say that Clayton and Tanzy were elected, but it was a general report that they were.

Mathew Lough states that some time after the election L. H. Dorsey in a conversation about the election, said that his own books had not been in the office—that George D. Evans's had been in the office, but the clerk knew nothing about them, that he commenced looking for them and found them in a loose drawer—he said that he then took them from the office to his store for the purpose of counting them to make a return of the senate poll—for his own satisfaction he counted them all over, and found the mistake in the Middletown poll; that the printer called on him for a list of the polls, and he told him he had not counted them yet, but to publish them from the best account that he could get—he said further that he thought Mr. Tanzy was elected until he found the error in the Middletown poll. After he found the error he said he would keep it still until he would give Mr. Tanzy notice of the mistake. He expressed a wish to know when Mr. Tanzy would come to town, that he intended to give him a good setting down for his notice to Mr. Evans—for some language used in the notice to Mr. Evans.

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Peter Tenant states that he was one of the commissioners at the Pawpaw election, and returned the polls of that place to the sheriff on the day after the election, and Tanzy had seventy-three votes at that place. When he handed the polls to the sheriff in the clerk's office there were many of the townsmen there cursing and swearing because Clayton and Tanzy were elected.

Alfred C. Barker states that he was at the Morgantown election, and in the after part of the day saw George D. Evans, sheriff, calling around through the house to persons to come and vote, and at the same time many persons standing by wishing to vote—that he thought the sheriff was doing wrong. He also heard the sheriff call on one George Kiger who lives with his father to come and vote—Kiger was standing at the courthouse door but did not go forward to vote at that call—that he felt so much dissatisfied with the proceedings of the election that he went and told Clayton and Tanzy to see that the clerks were sworn. He thought there was partiality in favour of Mr. Evans which made him go to Clayton and Tanzy and tell them what he did.

Stephen H. Morgan states that some time in the day, say twelve or one o'clock, Mr. Selby Sapp came forward and voted for Tanzy and himself and went away through the crowd until he was near the door: some person stated Sapp had no vote, deponent saw the clerks look towards the sheriff "as though they had said something to them," and then the clerks struck out Sapp's vote—he the deponent then called to them and told them it was not fair play to strike out one side and leave all on the other, he felt angry at such proceedings. Mr. James Evans spoke and said they had a right to strike out all votes that were not good. The sheriff did not call Sapp back and swear him before they struck out his vote, nor did they swear him at all. This took place at the Morgantown election.

William W. Flemming states that in a conversation between Evans and Tanzey he heard Evans say that Tanzey had not commenced his process soon enough, though he Evans would take no advantages of time if Tanzey would commence anew to settle the contest. Tanzey said he would follow the course he had begun, but was ready and willing to submit the case to the people of the county. Evans said that he was willing to run the race over, but his friends told him that if he did agree to run it over they would never vote for him again.

Robert Laugh states that on the twelfth day after the election he was present at L. H. Dorsey's store at the time Tanzey and the sheriff were looking over the poll-books, he heard Dorsey say the way the mistake was made they had given to Tanzey Boggest's list and Boggest Tanzey's at Middletown. He heard the sheriff say that Evans was elected by a majority of one vote. The common report before that time was that Tanzey was elected from fourteen to thirty.

Adam W. Gull states that the next day after the election he saw young Mr. Lawman as he returned from Middletown at Hay's ferry opposite Morgantown, "stated that Tanzey had sixty-nine votes at Middletown; and that Mr. Conway would come along in a few hours with the polls." When Conway came to the ferry several others as well as himself called on said Conway to know how the polls stood, he answered sixty-nine for Tanzey and one hundred and seven for Evans—he deponent observed to Conway that Tanzey was elected, he answered yes, I think so. Deponent had a statement of the polls of all the precincts but two, to wit: Cheet neck and Flat run, at the time of the conversation—he further states that in town on the day of the election he saw George D. Evans the sheriff conducting the election, call votes at the door and other places through the house whilst the voters stood around him seven or eight deep, and all that he called through the crowd and at the door voted for Evans. Deponent said to George D. Evans that he did not know how a sworn officer could do so; he flew into a pet and commenced taking the votes of those who stood by—we had some other words, but he observed to me to mind my own business. I saw him cry a certain vote, I told him he knew that that fellow had no vote; he made no reply. In answer to a question asked him he stated that he the deponent had bet upon the election.

Leven Flemming states that he was one of the commissioners at the Jacksonville precinct, and returned the polls taken at that place to the sheriff at the courthouse on the evening after the election—there were several of the sheriffs and many of the townsmen in the office counting the polls: when it was found that Clayton and Tanzey were elected, John Hannaway one of the commissioners at the courthouse, fell to cursing and swearing so that he left the office. "They counted Tanzey sixty-nine at Middletown." And the deponent states that he heard the said John Hannaway say that he would bet one thousand dollars that Evans was elected.

Peter A. Layton states that he was present on the twelfth day after the election at L. H. Dorsey's store, while said Dorsey and George D. Evans, two of the sheriffs, and Caleb Tanzey were recounting the polls after a mistake was said to be found in the Middletown books. When they had finished counting the polls it appeared that Evans was one vote ahead, the sheriffs then said the mistake in the Middletown polls was made by giving Tanzey Mr. Boggest's vote at that place which was only 52 or 55 as appeared by the books. Tanzey was declared to have 69 votes at that place by the sheriffs and public prints, but deponent understood from them that Tanzey had but thirty-two votes on the Middletown polls at the time of the recount—he also heard Mr. Conway the sheriff that took the Middletown votes, say that the mistake was made by giving Tanzey Boggest's vote at that place. When Tanzey and the two sheriffs were done counting Dorsey asked Tanzey if he was satisfied, Tanzey said he had counted over a time or two and did not see that they could make any more

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of it at that time. Tanzey made arrangements that evening to go for counsel to instruct him in proceedings of a contest, and went to Kingwood next day for that purpose.

John A. Deabin states that some time before the spring election he heard Thomas S. Haymond say that he believed Tanzey was elected two years previous if the polls had been properly examined into.

Jacob Holland states that he was at the Morgantown election late in the evening, he saw and heard George D. Evans, sheriff, call on one George Kiger, a young man living in Middletown with his father, to come and vote; Kiger was standing at the courthouse door, and shook his head as though he would not do so; Evans called to him again to come and vote so anxiously that young Kiger stept forward and voted for James Evans, and I think Vawgant. I do not think Kiger would have offered to vote if he had not been persuaded by the sheriff, George D. Evans. The deponent further states that he saw the Swamps polls in June, and they were torn apart, one leaf nearly in two.

John Clayton states that on Monday after the election he asked George Evans how the election went, and the said Evans said that himself, the deponent, and Tanzey were elected—that Tanzey was fourteen votes ahead of Evans: George Evans was one of the sheriffs superintending the election at Morgantown. He further states that Tanzey asked him about getting a certificate from the sheriff that day, when he, deponent, told him it would make no difference, that at any time between that and going to Richmond would answer. In answer to a question by Mr. Evans, deponent states that the foregoing conversation took place before the mistake in the Middletown polls was said to be found out.

John Watts states that on the evening of the election he told George Evans he ought not to take Alfred Jenkins's vote, because he had no vote—that he asked said Evans why he took Jenkins's vote, Evans replied that Jenkins said he had a vote, because Wilson told him so, and he could not strike it out after it was recorded.

George W. Simpkins states that he offered to vote at Morgantown for Tanzey and John, but the sheriff, George D. Evans, refused to take his vote; "and the reason was he said, you have no deed for land;" but deponent states that he is now at the head of two families, pays revenue tax for both, and has "writing" for one half of his grandfather's land, which amounts to 131 acres—he now pays the tax on the same—has had it in possession for two years past, and has voted for two years, and has not been refused: the sheriff did not swear deponent, but would not permit him to vote.

Enos D. Morgan states as follows: "That the first number of his paper after the election enough was known that Clayton and Tanzey was elected. The day before the next number came out, which he thinks was on Friday week after the election, he says he asked the sheriff, George D. Evans, for a statement of the return of the election, and L. H. Dorsey present answered and said that the poll was not all in, and said that you had better not publish that week until the full statement was got. I then told him to give me as much as he had, that the people was very anxious to see the return of the polls, but they did not give me any satisfaction. I then published from a statement got of Mr. Clayton, which gave Mr. Tanzey a majority of 43—and Mr. James Evans came up in the office, and asked me why I published Tanzey a majority of 43, when he said it was only fourteen. At that time I could not get a statement from the sheriff, and published from the best report I could get, and never had any trouble of getting a statement at any time before about the return of an election.

"In conversation with L. H. Dorsey about how the mistake was found out in the Middletown poll, Dorsey says he was counting the senate poll, and saw James Evans pass by, and called him in to see who his friends was; Evans came in, and was looking over the books, and found the mistake in the Middletown poll himself."

David Musgrave states that he cried the votes at the Pawpaw election—that Peter Tenant was one of the commissioners, and that Caleb Tanzey got seventy-three votes there, and so far as he knows or believes he saw the polls counted.

John J. Pierpont states that he was at the Swamp election in last May—was present when the commissioners counted the polls—they found a difference in Mr. Evans's and Mr. John's two polls—the polls were counted over by the commissioners several times, but the difference still remained—deponent saw no difference in other candidates' polls, but is now informed that there is a difference in Tanzey's two polls of four, one book fourteen the other eighteen—he saw them counted over and over, and saw no difference in Tanzey's two polls—he looked over the shoulder of one of the commissioners while they counted to see that they made no mistake—had there been no disturbance about the election he would have been satisfied that Tanzey had got twenty-eight votes at the Swamps—that so soon as the commissioners were done counting the polls, they handed them to him to deliver to the sheriff—he came home the next day after the election, and gave the polls to one William Howard of Pennsylvania to hand to the sheriff as he went through town on his way home, since which he has not seen them. The Swamp polls were not torn apart when he gave them to Howard—deponent heard Mr. Poe, a commissioner at the Swamps, tell Tanzey that there could not have been a difference in his two polls. Deponent further states that some time ago in conversation with George D. Evans, a sheriff, about the disturbance in the election, Evans said he never would take a part in an election again.

James Kelly states that he was present on the twelfth day after the election, when George D. Evans, Larkin H. Dorsey, two of the sheriffs, and Caleb Tanzey were counting the polls, and heard the sheriffs say that Evans was one vote ahead. Tanzey was not satisfied, and made arrangements that evening to go to Kingwood

next day for counsel—that he went with Tanzey—they overtook George D. Evans, sheriff, on the road to Kingwood—in conversation heard said Evans say that he was sorry the mistake in the polls was found out, as James Evans was satisfied and his friends also that he was not elected, and that Tanzey and his friends were satisfied that he was elected. Mr. Evans, the sheriff, said also that the mistake would not have been found out if Morgan, the printer, had never published Tanzey more than fourteen votes of a majority over James Evans—the sheriff said also that he had had no hand in finding the mistake, and that he would have no further hand in the matter.

John Lough states, "that he did on the 13th day of July 1839, about 11 o'clock in the morning of said day, serve a notice on James Evans informing him that Caleb Tanzey would on that day between one and six o'clock in the afternoon at William Burres's proceed to take the testimony of sundry witnesses to be read on the hearing of the contested election from said county—that said James Evans took said notice, and refused to give the same back to affiant. The notice was served on Evans at his usual place of residence, distant from the place of taking said depositions about one mile."

Benjamin Dorsey states "that he as one of the sheriffs at the last election in taking the poll, as far as he was concerned in taking said poll, done it without favour or affection to any individual; and further the deponent saith that a certain Selby Sapp came forward to vote; he received his vote, and afterward, or at the time it was observed by one of the other sheriffs that he, Sapp, had no vote, and after an investigation it was ascertained he had no vote, therefore it was stricken off at the time it was given before any other vote was taken."

George D. Evans states "that he being one of the sheriffs that took the poll at the courthouse of Monongalia county at the last election for the house of delegates of Virginia, that so far as the poll was taken by him it was done without favour or affection to any individual, and that he never refused any person's vote that was entitled, nor did he exercise any influence in any way."

"*Question.* When the poll was closed on the evening or morning after the day of election, what conversation occurred between you and squire John Clayton?

Answer. So far as I recollect I believe I observed that I suppose that yourself and Mr. Tanzey are elected, though when all the precinct election poll-books were brought in, there was found a mistake of some thirty odd votes against Mr. Tanzey, which changed the election in favour of Evans, as by examination made by Mr. Tanzey himself in connexion with Larkin H. Dorsey one of the sheriffs, which mistake occurred at the Middletown precinct.

Question. What reason do you assign for the poll-books being retained in possession of the sheriffs after the proper time for returning them?

Answer. So far as I know any thing about it they were not withheld any longer than to give them a proper and thorough investigation in order that there should be no mistake about their correctness; after that was ascertained they were duly returned: the most of them were deposited in the clerk's office on the day after the election."

Deponent further states that "so far as any thing was said by him in relation to Mr. Tanzey's election, was previous to the investigation of the poll-books referred to above."

Ralp L. Berkshire states "that he being one of the clerks who took a list of the votes polled at the courthouse in Monongalia county at the last election for the house of delegates of Virginia, that so far as he observed, the election was conducted fairly and without favour or partiality by the officers who conducted it; that the clerks sometimes in recording the names of voters, inadvertently wrote them in a column under a candidate's name for whom they did not vote, when this was the case they erased them immediately and placed them to the list of the candidate who was duly entitled to them."

Thomas F. Conaway states that "he was the sheriff that took the separate poll for the election district at Middletown at the last election for members of the house of delegates of Virginia, that he admitted all persons to vote that he believed entitled to vote under the constitution, and that when he closed the poll it was near dark and there was several persons counting the votes of the different candidates, and he understood some one of them to say that Mr. Tanzey had sixty-nine votes, and when afterwards he came to count the votes himself he found that Mr Tanzey had got but thirty-two votes; and also he further says that the poll-book that he counted afterwards were counted in Mr. Tanzey's presence, were the same book and vote that he had got at that district."

Larkin H. Dorsey one of the deputy sheriffs, states that "he was present at the separate election taken at the courthouse in Monongalia county at the last election for members to the house of delegates of Virginia, and when Selby Sapp offered to vote, Benjamin Dorsey one of the deputies cried his vote, and before his vote was entirely recorded he informed the sheriff and Mr. Sapp also that he had no vote, and as he believes satisfied them both of the fact, and the sheriff told the clerks that if they had recorded the vote to strike it out; and that the poll-books were not all delivered to him for several days after the election, but from the statements given him from the different districts, he did suppose Mr. Tanzey was elected over Mr. Evans some fourteen or fifteen votes; and that after he got the books all in his possession, and some nine or ten days after the election, (and which was as soon as he had been in the habit of returning the books to the clerk's office,) he counted the

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votes of Mr. Tanzey and Mr. Evans, and found Mr. Evans to be fairly elected by one vote, after giving Mr. Tanzey all the advantage of counting."

John Hanway states "that he was present at the election held at the courthouse in said county in May last, and that he acted as one of the commissioners or judges of the said election on that day, and that so far as he saw or believes that the election was fair, faithfully and honestly conducted, both by the commissioners and sheriffs; that is they all were disposed to permit all persons to vote who were entitled, and reject all such as were not so entitled, to the best of his judgment and belief."

William Burris states "that when John Lumley a justice of the peace in company with Caleb Tanzey took a deposition some time in July, he thinks on the 13th day, of James Kelley, which deposition was taken late in the evening near or about sun down, and no other depositions has been taken by said Tanzey before or since at his house."

Thomas P. Ray clerk of Monongalia, states "that it has not been customary for the sheriffs of said county to return the polls at the time required by law, that the late senatorial polls were not returned until a few days since, that he has no knowledge how the sheriffs conducted the polls at the late election, but at the time heard no complaint, and from the character and standing of these officers he is satisfied they would do nothing improper."

James Chadwick states that at the late election held in Monongalia county he voted for Wm. F. John and John Clayton and not for Caleb Tanzey as he understands his vote has been recorded.

Octavius Haymond states that after the election held at Middletown last spring was closed, Conway the sheriff conducting the poll, counted the votes and stated to him that Caleb Tanzey had thirty-two votes at said election.

Perry Fleming states "that he was a clerk to take the poll for members for the house of delegates at the last spring election at the district in Middletown, and that the sheriff counted the poll; does not recollect how many votes Mr. Tanzey received but says his votes were correctly polled on the poll-book."

Jacob Kerns states "that he stood by at Middletown at the last spring election and saw Conway the sheriff count the poll at the close of the election, and give out for Octavius Haymond to set down, and that he recollects that he the sheriff then stated that Tanzey had thirty-two votes."

John Conway states "that he was one of the commissioners to conduct the poll at the last Middletown election in said county of Monongalia, and attended until three or four o'clock in the evening and left the room to attend to business of his own, and Caleb Tanzey had twenty-nine or thirty votes. When he left the room the election was nearly over as I then thought and now believe; Tanzey I suppose could not have got but a few votes after I left as well as the other candidates."

Simon Shores states "that at the close of the election at Middletown in said county of Monongalia at the late election he counted the poll-book in the hands of sheriff Conway and recollects that Caleb Tanzey's vote was thirty-two in number and that he took a list of the same."

Thomas S. Haymond states "that he was a candidate for congress at the late election in Virginia; that he attended the polls at Morgantown the county seat for said county, and that he believes the poll was justly and fairly conducted so far as he was enabled to judge; the crowd was very great and it is probable that some men voted who by law were not entitled, but such votes were as likely to be cast in favour of one candidate as the other."

James Kendall states "that he attended the election at the courthouse in Monongalia county; that he was all the time opposed to the election of Caleb Tanzey, and that when he voted it was his intention to vote for Clayton and Morgan for the house of delegates, and he verily believes he did so vote although he may have called Tanzey's name in a mistake, but he thinks it not likely; the crowd was very great and he voted in a hurry."

John Jones states "that he was one of the commissioners to superintend the election for members of the house of delegates at the Swamp district in the county of Monongalia Va. on the 23d day of May 1839, and when the polls was closed and counted the polls kept for Caleb Tanzey did not correspond, they differing some three or four votes, and they were sent off without any alteration."

George Shahan states "that he attended the election at the Swamp district in May last in Monongalia county Va. and he there voted for Wm. F. John and Hillery Boggess for the house of delegates, and that he did not vote for Caleb Tanzey."

Abraham Wilson states "that he acted as commissioner at the before mentioned election, and that when the polls were closed the one kept for Caleb Tanzey did not agree by some three or four votes, and that he rolled up the poll-books himself and sent them off in that situation."

John J. Snyder states "that he attended the election at the Swamp district in May last in Monongalia county Va., and was present at the time Michael Nase came forward to vote and that said Nase voted for Hillery Boggess, and the commissioners not understanding distinctly who the other vote was given to, he, Nase, was enquired of by one of the commissioners who the other vote was given to, and he, Nase, said to Evans."

John Haymond states "that he attended the election and was one of the clerks that kept the assembly poll at the election district at the Swamps in Monongalia county Virginia, in May last, and when Michael Nase came

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forward to vote he appeared to be confused, and thinks that he first said he, Nase, voted for Boggess and Tanzey, but before the vote was recorded by me he was called on by one of the commissioners to know certainly who he did vote for, and he, Nase, said Hillery Boggess and James Evans."

And such being the whole of the testimony submitted, neither the originals of any of the poll-books or copies thereof being exhibited before your committee, and the petitioner in his memorial disclaiming all intention to charge or insinuate against any one any intentional wrong in the conducting and superintending of said election, your committee have been unable to see that any such fraud, irregularity or illegality is proved to have existed in the recent election held in Monongalia county on the 23d May last for delegates to the present house of delegates, either during said election or afterwards, connected with the poll-books, as to justify the conclusion that said election should be set aside either in whole or in part. If illegality or fraud was established sufficient to annul the election of James Evans the sitting member, the county of Monongalia being entitled to two delegates, and no one contesting the seat of John Clayton esq., the other delegate from said county, a grave question might arise how far an election in a county for more than one delegate to the general assembly, which is emphatically an election *one and indivisible*, can be set aside for alleged illegality or fraud as to one member without vitiating it *in toto* as to both—how such illegality or fraud in *one* and the *same* election can so operate as to vitiate in part and not in the whole, can leave the election but half accomplished, and the electors but partially delivered of the elective franchise. But the conclusion to which your committee have come touching the main point involved in this controversy renders a decision of this question and a solution of the difficulties around it unnecessary. They have bestowed upon the facts developed by the testimony all the consideration which the importance of the subject referred to them seem to claim, and they have not been able to see any thing which tends to sustain the material allegations set forth in the memorial of the petitioner. The fact that all the poll-books were not lodged with the clerk of the county by the proper officer within the time required by law is of itself surely not sufficient to vitiate an election; for if so, then annually, your committee believe, one half of the elections in the commonwealth might be declared null and void—and in this particular case the evidence proves that the poll-books for the senatorial election held in May last in the county of Monongalia were not returned to and lodged with the clerk of the county until within a short time back, nor have your committee been able to see among the depositions any the slightest evidence of an alteration of the poll-books for the county election, after said election was closed; or that the same were in any form or manner changed or mutilated—and in the absence of such evidence, or of all evidence, that the names of any person or persons were added to or subtracted from said polls or any of them, your committee were impelled to the conclusion that said books were when finally cast up and the result giving to the sitting member a majority over the petitioner, in the same condition as to the recorded votes as they were at the close of the election—nor is the fact that one or more individuals rejected at the polls, even if wrongfully rejected by the superintendents of the election, a sufficient ground in the opinion of this committee to nullify and wholly vitiate an election—otherwise the close of the polls instead of affording a respite to party excitements and a temporary repose at least to political contests, would be but the continuation, if not the commencement, of increased bitterness and aggravated feuds.

In this contest it appears that six individuals, to wit: Francis M. Brand, Alexander Scott, Edward Bussey, Samuel Patton, George W. Simpkins and Selby Sapp were rejected at the polls and refused the privilege of voting by the superintendents of the election, whether at the courthouse or at the precincts is not distinctly disclosed by the evidence—two of them in the opinion of the committee, upon their own evidence, were properly rejected—and three others upon similar evidence, had at least but a doubtful claim to the right of suffrage—and Selby Sapp, the last and sixth, whose vote according to the evidence of some was wholly recorded, and from other evidence was but partially so, and afterwards, though before any other vote was polled, stricken from the poll-books, was according to his own evidence wholly an illegal voter; and when the memorialist himself in his petition filed acquits all connected with the recent election in the county of Monongalia of intentional wrong, your committee are necessarily constrained to presume that in the absence of evidence to the contrary that the officers conducting and superintending said election acted therein in good faith and with no improper or sinister motive, and have consequently come to the following resolution:

3. *Resolved*, That the memorial of the said Caleb Tanzey be rejected.

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[DOC. No. 20.]

STATEMENTS

FROM THE

BANK OF VIRGINIA AND ITS BRANCHES,

In reply to a Resolution of the Committee on Banks.

BANK OF VIRGINIA, JANUARY 1st, 1840.

To N. E. VENABLE, Esq.
Chairman of the Committee on Banks.

SIR,

In obedience to a resolution of your committee, adopted on the 12th ult., I now enclose statements prepared at this bank and by the several branches thereof (with the exception of the branch at Charleston) which seem to be required by the terms of that resolution. The return from Charleston not having arrived, the remoteness in the location of that branch renders it uncertain at this season when it will be received; and it is considered not to be of sufficient importance longer to delay this report. When it comes to hand it shall be duly submitted.

Very respectfully,

Your ob't serv't,

A. ROBINSON, JR. *Cashier.*

At a meeting of the president and directors of the Bank of Virginia on the 17th and 24th days of September 1839, and the 1st and 8th days of October 1839:

Sundry discounts were made as stated on the offering book.

At a called meeting of the president and directors of the Bank of Virginia on Friday the 11th day of October 1839:

The following preamble and resolutions were unanimously adopted:

Information having reached Richmond that the banks of Philadelphia and Baltimore have made a temporary suspension of specie payments, and it being the opinion of this board that under such circumstances it will be inexpedient in this institution to continue specie payments, by which the vaults of the bank would soon be exhausted without the hope of replenishing them:

Resolved therefore, That the president be authorized and instructed to confer with the other banks in this city and to adopt such measures as may be deemed expedient and proper under existing circumstances in regard to a temporary suspension of specie payments.

Resolved also, That this bank pledges itself not to enlarge the amount of the outstanding debts of the bank during the suspension of cash payments.

At a meeting of the president and directors of the Bank of Virginia on the 15th day of October 1839:

Ordered, That the cashier be instructed to cause all the accommodation paper payable to this bank (if not paid at maturity) to be duly protested, unless the endorsers thereon shall agree in writing to waive exception as to the formality of demand, protest and notice of non-payment in each case.

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At a meeting of the directors of the Bank of Virginia on the 22d October 1839:

The president being absent, Robert Gwathmey by appointment took the chair. The cashier informed the board that notes issued by this bank and payable here to the amount of $ had this morning been presented and a demand made therefor of coin, or a check on New York at par, and that if the demand was not satisfied the notes would in his opinion be protested, and he requested the board under the existing state of things explicitly to order what course should be pursued in the case: Whereupon it was advised (without any dissent) that the demand aforesaid be settled by check on New York.

At a called meeting of the directors of the Bank of Virginia on the 24th day of October 1839:

The president being sick, Robert Gwathmey was appointed president *pro tem.*, and took the chair. The following resolution was adopted:

Resolved, That in all cases where a demand is made upon the obligations of this bank, the demands be satisfied by checks on New York at such rate of exchange as the cashiers of the several banks in this city by conference shall determine, and in case any offer so to settle shall not be acceded to, this bank leaves the applicant to take his course.

At a meeting of the president and directors of the Bank of Virginia on the 29th day of October 1839:

The president of the bank who by resolution of the 11th instant was authorized and instructed to confer with the other banks in this city, and to adopt such measures as may be deemed expedient and proper under existing circumstances in regard to a temporary suspension of specie payments, presented the following paper, which was ordered to be entered on the journal:

"RICHMOND, 11th October 1839.

"At a meeting of the presidents of the Bank of Virginia, the Farmers Bank of Va. and of the Exchange Bank of Virginia at Richmond, who were appointed severally on behalf of their respective institutions to confer and decide what measures had become necessary for the protection of the banks resulting from the suspension of specie payments by the banks of Philadelphia and Baltimore:

"*Resolved*, That it has become necessary by the course of the banks of Philadelphia and Baltimore, and the unusual demands to which the banks of this city are thereby exposed for the Bank of Virginia, the Farmers Bank of Virginia, and the Exchange Bank of Virginia at Richmond to suspend specie payments for the present.

JOHN BROCKENBROUGH, *Pres't B'k of Va.*
WM. H. MACFARLAND, *Pres't F. B. Va.*
JAMES CASKIE, *Pres't Office D. & D. Exchange B'k of Va.*"

Ordered, That the president be authorized to subscribe in the name and for the use of this bank for twenty-three additional shares in the Belle Isle manufacturing company, and that the cashier be directed to pay for the same.

The following resolution was proposed:

Resolved, That the president be authorized to give assurance in such form as may be requisite to the treasury department that the office of this bank at Portsmouth will continue to pay its debts in coin, and particularly that it will fulfil any engagements that it may enter into with the department for the object of receiving and disbursing in coin any sum of money which may be placed there in coin by the government or its agents.

Whereupon on the motion of Mr. Vaden it was ordered that the question of agreeing to the said resolution be decided by taking the ayes and noes. The names of those who voted in favour of the said resolution are the president, Messrs. Triplett, Gwathmey, Bosher, Cosby, Deane, Gay and Taylor—8. And those who voted in the negative are Messrs. Valentine, Harris, Womble, Vaden and Burfoot—5. And the resolution was adopted.

At a meeting of the directors of the Bank of Virginia on the 5th day of November 1839:

Mr. Gwathmey took the chair by appointment, and sundry discounts were made.

At a meeting of the president and directors of the Bank of Virginia on the 12th of November 1839:

Sundry discounts were made.

At a meeting of the president and directors of the Bank of Virginia on the 19th day of November 1839:

On motion, *Resolved*, That the resolution of the office of this Bank at Norfolk passed on the 12th of November 1839 in regard to the receipts from and payments to the paymaster of the army at Norfolk be sanctioned by this board provided the secretary of war shall determine to place funds there.

Ordered, That the cashier give public notice to the stockholders of this bank that according to the 6th section of the act of assembly passed the 22d March 1837, "establishing general regulations for the incorporation

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of banks," this bank appoints that a general meeting be held on the first Tuesday in January next at 12 o'clock A. M. in this bank for the appointment on their part of five directors of the principal bank and of four directors for each of the branches, who shall be stockholders holding at least five shares each, to be citizens of this state, to serve with other directors to be appointed by the executive the ensuing year.

That as the institution since the last election of directors has by act of the stockholders been placed under an entirely new organization, it is deemed advisable that a full representation of the shares may be had, and to that end that proxies may be properly executed and forwarded in season by such stockholders as may find it inconvenient to attend in person.

At a meeting of the president and directors of the bank of Virginia on the 20th day of November 1839:

The president presented the following preamble and resolution of the branch at Norfolk, and stated that he had been desired to obtain the consideration and concurrence of this board to the same:

"Office of discount and deposit of the Bank of Virginia at Norfolk November 18th, 1839:

"Whereas George Loyall, the United States navy agent at Norfolk acting under instructions from the secretary of the navy, has applied to this office, in which the said agent has been in the habit of making his deposits of public money, to give him the said Loyall a written obligation to secure the return of such deposits punctually when wanted in such kind of money as has been or may hereafter be placed by him as navy agent aforesaid in the said office, and this board acceding to the said application and consenting to furnish the said security:

"*Resolved therefore*, That all sums of money which have been deposited and which now remain on deposit in this office to the credit of the said navy agent, or which may hereafter be deposited therein by the said agent, will be punctually returned whenever the same shall be required by him in the same kind of money as has been or may hereafter be placed in the said office by the navy agent aforesaid, and if his deposits have been or at any time hereafter shall be in specie or its equivalent, then his checks upon this office shall be paid in specie or its equivalent if so required by the public creditor.

"The above resolution was unanimously agreed to by the board.

WM. B. LAMB, *President.*"

Whereupon this board after due consideration of the foregoing communication have to remark that in proposing to the secretary of the navy to instruct the navy agent and pursers at Norfolk to deposit the public money coming into their hands in the office at Portsmouth on the score of its being the nearest specie paying bank, their object was simply to secure to the institution any benefit there might be from the receipt and disbursement of the public money through that office; but should it be the pleasure of the secretary of the navy from such representations as may be made to him to change his instructions to George Loyall esquire, this board has no hesitation in sanctioning and do hereby sanction the act of the office at Norfolk in regard to the agreement into which it has entered with Mr. Loyall.

At a meeting of the president and directors of the Bank of Virginia on the 26th day of November 1839:

On the motion of the president the following order was made:

Should the secretary of war instruct col. R. E. DeRupy to deposit the public money passing through his hands in the office of the Bank of Virginia at Norfolk, this bank hereby gives its sanction to the agreement entered into with col. DeRupy by the said office.

The aforegoing is a true copy of the journal of the proceedings of the president and directors of the Bank of Virginia from the 17th day of September to the 26th November 1839, inclusive.

A. ROBINSON, Jr., *Cashier.*

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A STATEMENT *of the amount of Notes and Bills offered for Discount at the Bank of Virginia, in each of the classes required by law, from the 15th September to the 1st of December* 1839.

When offered. 1839.		1st class, $ 1000 and under.	2d class, over $ 1000 and not exceeding $ 10000.	3d class, over $ 10000 and not exceeding $ 30000.	Amount discounted.	Amount rejected.	Amount offered.	The total amount of renewable accommodation paper 1st December 1839.
September 17,	Discounted,	21424 80	24321 90	-	45746 70			1839—December 1st—Accommodation paper, $ 931,860 92.
" 17,	Rejected,	27163 94	14963 36	-	-	42127 30	87874 00	
" 21,	Discounted,	12549 06	43121 80	-	55670 86			
" 21,	Rejected,	23843 54	21284 48	-	-	45128 02	100798 88	
October 1,	Discounted,	18910 97	26899 27	-	45810 24			
" 1,	Rejected,	22172 55	18681 77	-	-	40854 32	86664 56	
" 8,	Discounted,	21770 06	52659 35	-	74429 41			
" 8,	Rejected,	30784 94	25175 92	-	-	55960 86	130390 27	
" 15,	Discounted,	19228 07	18126 39	-	47354 46			
" 15,	Rejected,	43901 02	15369 94	-	-	59270 86	106625 32	
" 22,	Discounted,	24323 74	27976 89	-	52305 63			
" 22,	Rejected,	20441 08	31597 09	-	-	52138 17	104443 80	
" 29,	Discounted,	15580 77	31661 57	-	47242 34			
" 29,	Rejected,	30576 05	34535 70	-	-	65111 75	112354 09	
November 5,	Discounted,	33588 50	43132 58	-	76721 08			
" 5,	Rejected,	29336 06	32376 52	-	-	61712 58	138433 66	
" 12,	Discounted,	28784 50	20241 36	-	49025 86			
" 12,	Rejected,	23271 33	34562 16	-	-	57833 49	106859 35	
" 19,	Discounted,	19374 73	19217 67	-	38592 40			
" 19,	Rejected,	22763 56	20053 20	-	-	42816 76	81409 16	
" 26,	Discounted,	23944 18	25890 68	-	49834 86			
" 26,	Rejected,	31986 12	15975 48	-	-	47961 60	97796 46	
				Total,	$582733 84	570915 71	1153549 55	

A. ROBINSON, Jr. *Cashier.*

BRANCH BANK OF VIRGINIA—PETERSBURG.

A copy from the minute book of the Board of Directors of the Branch Bank of Virginia in Petersburg from the 12th day of September last to the 28th of November, inclusive, made in conformity with a resolution of the committee on banks, 12th December 1839.

"At a meeting of the directors of the Branch Bank of Virginia in Petersburg, Thursday, September 12, 1839:

Present, Charles F. Osborne, *president pro tem.*, John Y. Stockdell, Andrew Kevan, W. Pannill, N. M. Martin, Benjamin C. Wherry and F. C. Stainback.

Ordered, That R. F. Hannon be required to reduce his note of fourteen hundred dollars, discounted this day, by the payment of four hundred dollars at the expiration of sixty days; and that the cashier notify Mr. Hannon of this order. And then after ordering the several notes and bills entered in the offering-book and accepted to be discounted, the board adjourned.

C. F. OSBORNE, *President pro tem.*"

"At a meeting of the directors of the Branch Bank of Virginia in Petersburg, Thursday, September 19, 1839:

Present, J. W. Pegram, *president*, J. Y. Stockdell, William Pannill, C. F. Osborne, Thomas Branch, N. M. Martin, Benjamin C. Wherry, Andrew Kevan and F. C. Stainback.

Ordered, That George W. Harrison be required to reduce his debt to this bank by the payment of one thousand dollars in January next, and one thousand dollars in the following May; and that the cashier notify Mr. Harrison of this order. And then after ordering the several notes and bills entered in the offering-book and accepted to be discounted, the board adjourned.

J. W. PEGRAM, *President.*"

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"At a meeting of the directors of the Branch Bank of Virginia in Petersburg, Thursday, September 26, 1839:

Present, J. W. Pegram, president, J. Y. Stockdell, M. Macfarland, C. F. Osborne, F. C. Stainback, Thomas Branch, N. M. Martin, Andrew Kevan, William Pannill and Benjamin C. Wherry.

Ordered, That the executors of Thomas Atkinson deceased be required to retire their accommodation note of fifteen hundred dollars, discounted to-day, by the payment of five hundred dollars at each renewal; and that the cashier notify the parties of this order.

Resolved, That the cashier pay to the Union Bank of Maryland fifty dollars, for the half of a one hundred dollar note of this office No. 2008, upon receiving from the bank a refunding obligation.

Resolved, That the debtors of this bank whose accommodation and floating notes have been standing and renewed for 12 months and more, be required to reduce their debts by the payment of 5 per cent. on their present amounts at each renewal, to commence sixty days after they respectively fall due—the notes discounted to-day to be reduced at maturity.

Gustavus Cleemann having tendered his six negotiable notes for five hundred dollars each, payable at the respective dates mentioned in the resolution of the board of the 18th of July last, with three satisfactory endorsers: It is unanimously recommended to the parent board to accept the same, and in consideration thereof to release the whole amount of the debts due as aforesaid to this bank by the said Gustavus Cleemann.

The board then after ordering the several notes and bills entered in the offering-book and accepted to-day to be discounted, adjourned.

J. W. PEGRAM, *President.*"

"At a meeting of the directors of the Branch Bank of Virginia in Petersburg, Thursday, October 3, 1839:

Present, Joseph Bragg, president *pro tem.*, John Y. Stockdell, William Pannill, Benjamin C. Wherry, C. F. Osborne, Andrew Kevan, N. M. Martin and F. C. Stainback.

The following communication was read and ordered to be recorded:

BANK OF VIRGINIA, October 1, 1839.

"DEAR SIR,

Your favour of yesterday with the accompanying resolution of your board in regard to Mr. Cleemann's debts was submitted to our board to-day, and the recommendation confirmed.

(Signed) JOHN BROCKENBROUGH, *President.*

To Gen. J. W. Pegram, President."

Ordered, That Benjamin Moody retire his accommodation note of twenty-seven hundred and fifty dollars, discounted to-day, by the payment of one thousand dollars at the next renewal, and the balance sixty days thereafter.

Ordered, That Thomas Whitworth reduce his note of two thousand dollars discounted to-day by the payment of five hundred dollars at the renewal of the same; and that the cashier notify the parties of these orders.

The several notes and bills entered in the offering-book and accepted to-day were ordered to be discounted; and the board then adjourned.

J. BRAGG, *President pro tem.*"

"At a meeting of the directors of the Branch Bank of Virginia in Petersburg, Thursday, October 10, 1839:

Present, Joseph Bragg, president *pro tem.*, John Y. Stockdell, William Pannill, Benjamin C. Wherry, L. H. Peebles, N. M. Martin, D'Arcy Paul, Thomas Branch, Andrew Kevan and F. C. Stainback.

On motion, *Resolved*, That the order made on the 26th September last, requiring the debtors of this bank to reduce their debts, &c. be and the same is hereby repealed.

The several notes and bills entered in the offering-book and accepted were ordered to be discounted, and the board then adjourned.

J. BRAGG, *President pro tem.*"

"At a special meeting of the board of directors of the Brach Bank of Virginia in Petersburg, on Saturday, October 12, 1839, convened in consequence of information having reached here of the suspension of cash payments by the banks of Philadelphia, Baltimore and Washington City:

Present, J. W. Pegram, president, Joseph Bragg, J. Y. Stockdell, William Pannill, Benjamin C. Wherry, C. F. Osborne, Thomas Branch, L. H. Peebles, N. M. Martin, Andrew Kevan, D'Arcy Paul and F. C. Stainback.

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The following resolution was adopted with one dissenting voice:

Resolved, That this board will not now order a suspension of specie payments by this office; but if such a course shall appear required by the safety and welfare of the institution, the executive officers may have the power and discretion to cease specie payments whenever they shall consider it prudent and necessary. The board then adjourned.

J. W. PEGRAM, *President.*"

"At a meeting of the directors of the branch Bank of Virginia in Petersburg Thursday October 17, 1839:

Present—James W. Pegram, president, Joseph Bragg, M. Macfarland, A. Kevan, J. Y. Stockdell, Tho. Branch, D'Arcy Paul, Wm. Pannill, L. H. Peebles, Benj. C. Wherry and F. C. Stainback.

The several notes and bills entered in the offering-book and accepted were ordered to be discounted, and then the board adjourned.

J. W. PEGRAM, *President.*"

"At a meeting of the directors of the branch Bank of Virginia in Petersburg Thursday October 24, 1839:

Present—J. W. Pegram, president, Jos. Bragg, C. F. Osborne, Benj. C. Wherry, J. Y. Stockdell, Tho. Branch, D'Arcy Paul, W. Pannill, L. H. Peebles, A. Kevan, and Francis C. Stainback.

The several notes and bills entered in the offering-book and accepted were ordered to be discounted, and then the board adjourned.

J. W. PEGRAM, *President.*"

"At a meeting of the directors of the branch Bank of Virginia in Petersburg Thursday October 31, 1839:

Present—J. W. Pegram, president, Joseph Bragg, M. Macfarland, Tho. Branch, J. Y. Stockdell, B. C. Wherry, A. Keevan, W. Pannill, L. H. Peebles and F. C. Stainback.

The several notes and bills entered in the offering-book and accepted were ordered to be discounted, and then the board adjourned.

J. W. PEGRAM, *President.*"

"At a meeting of the directors of the branch Bank of Virginia in Petersburg Thursday November 7, 1839:

Present—J. W. Pegram, president, C. F. Osborne, B. C. Wherry, A. Kevan, J. Y. Stockdell, N. M. Martin, Tho. Branch, W. Pannill, D'Arcy Paul, L. H. Peebles, and F. C. Stainback.

A letter from C. H. Leverich of New York was read asking this board to receive the amount of his note for $ held by the bank and due 24–27 January next (to be paid on or before the first of December) in Virginia funds less the interest on the amount from 1st December to the 27th January.

Whereupon it was resolved that payment will be received for the said note of $ as proposed by Mr. Leverich; and the board then, after ordering the several notes and bills entered in the offering-book and accepted to be discounted, adjourned.

J. W. PEGRAM, *President.*"

"At a meeting of the directors of the branch Bank of Virginia in Petersburg Thursday November 14, 1839:

Present—J. W. Pegram, president, Joseph Bragg, C. F. Osborne, Tho. Branch, J. Y. Stockdell, D'Arcy Paul, N. M. Martin, M. Macfarland, W. Pannill, A. Kevan and F. C. Stainback.

The several notes and bills entered in the offering-book and accepted were ordered to be discounted, and then the board adjourned.

J. W. PEGRAM, *President.*"

"At a meeting of the directors of the branch Bank of Virginia in Petersburg Thursday November 21, 1839:

Present—James W. Pegram, president, Jos. Bragg, C. F. Osborne, J. Y. Stockdell, Th. Branch, M. Macfarland, A. Kevan, B. C. Wherry, N. M. Martin and F. C. Stainback.

The several notes and bills entered in the offering-book and accepted were ordered to be discounted, and the board adjourned."

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"At a meeting of the directors of the branch Bank of Virginia in Petersburg Thursday November 28, 1839:

Present—J. W. Pegram, president, Joseph Bragg, And. Kevan, Tho. Branch, M. Macfarland, N. M. Martin, J. Y. Stockdell, C. F. Osborne, Benj. C. Wherry and F. C. Stainback.

The several notes and bills entered in the offering-book and accepted were ordered to be discounted, and the board then adjourned.

J. W. PEGRAM, *President.*"

BRANCH BANK OF VIRGINIA,
PETERSBURG, Dec. 20th, 1839.

I, James W. Pegram, president of the office of discount and deposit of the Bank of Virginia at Petersburg, do certify that the foregoing extracts are true copies from the minute-book of the board of directors of this branch.

J. W. PEGRAM, *President.*

A STATEMENT *of the amount of Notes and Bills offered for discount at the Branch Bank of Virginia at Petersburg in each of the classes required by law, from the 12th September to the 28th November* 1839, *inclusive.*

Time of offering.	Description of Paper.	1st class, $1000 and under.	2d class, over $1000 not exceeding $10000.	3d class, over $10000 not exceeding $30000.	Total Discounted.	Total Rejected.	Total offered.	
Sep. 12,	Discounted,	6163 00	25641 66	-	31804 66			
" "	Rejected,	1382 71	2700 00	-	-	4082 71	35887 37	
" 19,	Discounted,	5533 19	26302 58	-	31835 77			
" "	Rejected,	1151 38	4121 50	-	-	5272 88	37108 85	
" 26,	Discounted,	9298 09	24282 90	39500 40	73081 39			
" "	Rejected,	1106 50	9881 23	-	-	10987 73	84069 12	
Oct. 3,	Discounted,	7591 01	28150 00	-	35741 01			
" "	Rejected,	2185 50	4000 00	-	-	6185 50	41926 51	
" 10,	Discounted,	10271 87	51225 00	-	61496 87			
" "	Rejected,	5192 91	6665 14	-	-	11858 05	73354 92	
" 17,	Discounted,	5563 85	25710 80	-	31274 65			
" "	Rejected,	4850 59	16565 39	-	-	21415 98	52690 63	
" 24,	Discounted,	10095 19	16550 00	-	26645 19			
" "	Rejected,	3075 82	9160 25	-	-	12236 07	38881 26	
" 31,	Discounted,	4700 00	28900 00	15200 00	48800 00			
" "	Rejected,	3678 89	1666 66	-	-	5345 55	54145 55	
Nov. 7,	Discounted,	5811 52	22500 00	-	28311 52			
" "	Rejected,	1248 64	-	-	-	1248 64	29560 16	
" 14,	Discounted,	6656 58	26120 00	-	32776 58			
" "	Rejected,	1200 00	-	-	-	1200 00	33976 58	
" 21,	Discounted,	7420 63	27035 76	-	34456 39			
" "	Rejected,	1803 01	4000 00	-	-	5803 01	40259 39	
" 28,	Discounted,	7358 71	19300 00	39500 40	66159 11			
" "	Rejected,	5241 26	12583 60	-	-	17824 86	83983 97	

D. H. BRANCH, *Discount Clerk.*

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A STATEMENT *of the amount of Notes and Bills Discounted and Rejected in the classes of "Accommodation, Floating and Real," offered at the Branch Bank of Virginia at Petersburg, from the 12th September to the 28th November 1839, inclusive.*

			Discounted.	*Rejected.*
September	12,	Accommodation, - -	5620 00	*2700 00
"	"	Floating, - -	16883 00	
"	"	Real, - -	9301 66	1382 71
"	19,	Accommodation, - -	7706 00	
"	"	Floating, - -	18600 00	
"	"	Real, - -	5129 77	5272 88
"	26,	Accommodation, - -	11300 00	
"	"	Floating, - -	49225 40	
"	"	Real, - -	9455 99	10987 73
October	3,	Accommodation, - -	12265 00	
"	"	Floating, - -	12700 00	
"	"	Real, - -	10776 01	6185 50
"	10,	Accommodation, - -	27559 10	
"	"	Floating, - -	27100 00	
"	"	Real, - -	6837 77	11858 05
"	17,	Accommodation, - -	9100 00	
"	"	Floating, - -	12300 00	
"	"	Real, - -	9874 65	21215 98
"	24,	Accommodation, - -	10290 00	
"	"	Floating, - -	8870 00	
"	"	Real, - -	7485 19	12236 07
"	31,	Accommodation, - -	7000 00	
"	"	Floating, - -	35270 00	
"	"	Real, - -	6530 00	5345 55
November	7,	Accommodation, - -	6650 00	
"	"	Floating, - -	20000 00	
"	"	Real, - -	1661 52	1248 64
"	14,	Accommodation, - -	8320 00	
"	"	Floating, - -	15883 00	500 00
"	"	Real, - -	8573 58	700 00
"	21,	Accommodation, - -	7706 00	
"	"	Floating, - -	18300 00	400 00
"	"	Real, - -	8450 39	5403 00
"	28,	Accommodation, - -	11300 00	
"	"	Floating, - -	50825 40	
"	"	Real, - -	4033 71	17824 86

The discounts from the 12th September to the 14th November will shew the amount of accommodation paper to be - - - - - - - $97,490 10

Also the amount of notes which had been discounted and renewed in the same form, called "floating," is - - - - - - - 200,948 40

There are no bills which had been discounted and renewed.

The "real or business" paper discounted from the 12th September to the 28th November, inclusive, amounts to - - - - - - - 88,110 24

The "inland bills of exchange" on Baltimore, Philadelphia, New York and Boston, discounted by the executive officers of this bank from the 15th September 1839 to 1st December, amount to - - - - - - - †96,076 21

The discounts on the 14th November shew the commencement of the renewal of sixty days notes discounted on the 12th September.

We take the above dates, viz: 12th September and 28th November, being discount days and nearest the time designated by the committee.

G. W. STAINBACK, *Cashier.*

December 21, 1839.

*Reinstated.

†Advances on foreign bills of exchange same time, $62,356 43.

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OFFICE BANK OF VIRGINIA—NORFOLK.

At a meeting of the board of directors held on Tuesday, 17th September 1839:
Present, the president and eight directors.
No resolution offered.

At a meeting, Tuesday, 24th September:
Present, the president and eight directors.
A committee appointed to examine the vault, and no other business transacted.

At a meeting, Tuesday, 1st October:
Present, the president and eight directors.
The committee reported that they had examined the vault and found on hand the amount which agreed with the teller's settlement and accountant's balance.

At a meeting, Tuesday, the 8th October:
Present, the president and nine directors.
Two resolutions were passed, viz:
Resolved unanimously, That from and after this date there be a curtail required of 5 per cent. every 60 days on all stock notes, and that notice be immediately given by the discount clerk.
On a proposition of Thomas Rawlins to compromise, &c.
Resolved unanimously, That the proposition be rejected, and that the attorney for the bank be directed to proceed forthwith to collect the debt in question.

At a called meeting on Friday, the 11th October:
Present, the president and seven directors.
Two resolutions were passed, viz:
Resolved, That in consequence of the information received this morning that the banks of Philadelphia and Baltimore had suspended specie payments, it is expedient and necessary for this bank, for its own protection and the interest of the whole community, to pursue for a limited period the same course.
Resolved, That be a committee to confer with committees to be appointed by the Exchange Bank and Farmers Bank on the subject of the foregoing resolution.

At a meeting the 15th October 1839:
Present, the president and ten directors.
The following resolution was passed, viz:
Resolved, That upon the signing and executing the *document* submitted by the attorney for the bank, continuing the responsibility of endorsers without the formality of protest, the notes and drafts becoming due may not be protested.

At a called meeting the 16th October:
Present, the president and six directors.
Resolved, That a communication received from col. Garnett, &c. on the subject of issuing small notes, be forwarded to the mother bank for consideration.

At a meeting the 22d October:
Present, the president and twelve directors.
Resolved, That the president be requested to obtain a conference of the *three* boards of bank directors at such time and place as may be most convenient, for the purpose of acting in concert and carrying on the operations of the banks in this borough.

A meeting the 29th October:
Present, the president and ten directors.
Resolved, That the attorney for the bank be authorized to proceed to Danville for the purpose of investigating the affairs of Thomas Rawlins, with a view of getting a settlement of our demand against the said Rawlins.

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A meeting of the 5th November:
Present, the president and ten directors.
On Mr. Cohen's proposition to receive checks on New York at 5 per cent. premium for our notes:
Resolved unanimously, That in the existing state of the bank it is inexpedient to accede to the proposal.

At a meeting held the 12th of November 1839:
Present, the president and eight directors.
Resolved unanimously, That the cashier be authorized to receive and pay out such deposits as may be made by the navy agent, paymasters, &c. in such manner as may be agreed upon between the parties.

At a called meeting the 18th November:
Present, the president and six directors.
A communication from the navy agent, on the subject of continuing his deposits in this bank, was under consideration and forwarded to the mother bank for approval; and Wm. E. Cunningham, esq. was requested to proceed to Richmond forthwith for the purpose of procuring the consent of the mother bank to an agreement entered into between the navy agent and officers of the bank to pay out such funds as he might deposit, &c.

At a meeting held the 19th November:
Present, the president and seven directors.
A resolution directing the cashier to write to Mr. Poe, cashier of the Bank of Augusta, to deliver H. H. Cumming, esq. attorney for Ch. Hatcher, a protested bill for the purpose of his making an attachment at Mobile.

At a meeting held Tuesday, November 26:
Present, the president and seven directors.
Resolved, That Charles Hatcher be authorized to sell the house and lot on Charlotte street on which this bank has a lien for three thousand dollars to —— Cherry, and that the trustee be authorized to convey the same when the amount shall be paid in bank or satisfactorily secured.

OFFICE BANK OF VIRGINIA,
NORFOLK, December the 19th, 1839.

I hereby certify that the foregoing accounts of the proceedings are true, being a full representation of our record.

THOM. WILLIAMSON, *Cash'r.*

A STATEMENT *of the amount of Notes and Bills offered for Discount at the Office of the Bank of Virginia at Norfolk in each of the classes required by law from the 16th September to 1st December* 1839.

Time of offering.	1st class, $1000 and under.	2d class, over $1000 and not exceeding $10000.	3d class, over $10000 and not exceeding $20000.	Amount Discounted.	Amount Rejected.	Amount offered.
1839, Sept. 17,						
Discounted, -	7627 50	23854 48	11290 00	42771 98		
Rejected, -	4767 45	4694 45	-	-	9461 90	52233 88
September 24,						
Discounted, -	8304 42	41422 00	-	49726 42		
Rejected, -	8943 00	-	-	-	8943 00	58669 42
October 1,						
Discounted, -	8226 53	20835 00	-	29061 53		
Rejected, -	8540 50	1287 90	-	-	9828 40	38889 93
October 8,						
Discounted, -	5984 50	40617 92	-	46602 42		
Rejected, -	7541 20	-	-	-	7541 20	54143 62

October 15, discounted nothing (the suspension having taken place) from this date to the 1st December 1839.

E. E.

THOM. WILLIAMSON, *Cashier.*

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BRANCH BANK OF VIRGINIA—PORTSMOUTH.

The following is a true copy of all the proceedings of the board of directors of the office of the Bank of Virginia at Portsmouth from the 15th September to the 1st December 1839, furnished pursuant to a resolution of the committee on banks dated 12th December 1839:

At a meeting of the board of directors of the office Bank of Virginia in Portsmouth held on the 18th September 1839:

Present—Charles A. Grice, Ovt. Bernard, William Benthall, Holt Wilson, John Cocke esqs. directors:

John A. Chandler esq. president being absent, Charles A. Grice esq. was duly elected president *pro tem.*

Notes and bills offered, - - - -		$ 23,948 08
Discounted, - -	15,365 98	

Adjourned.

At a meeting of the directors of the office Bank of Virginia in Portsmouth held on the 25th day of September 1839:

Present—Charles A. Grice, John Cocke, Ovt. Bernard, Holt Wilson, directors.

John A. Chandler esq. president, being absent, Holt Wilson esq. was duly elected president *pro tem.*

Notes and bills offered, - - - -			$ 10,918 41
Discounted, - - -	7907 78		
Domestic bills offered, - - - -			107 91
Purchased by com'tee -	107 91		

The bond of William Knott, watchman, was presented to the board, and the securities, Wm. Hinman and W. M. Minter, being approved of, the said bond was accepted and ordered to be spread on the journal, and is in these words:

"Know all men by these presents that we, William Knott, William Hinman and William M. Minter are held and firmly bound unto the president, directors and company of the Bank of Virginia in the just and full sum of one thousand dollars lawful money of Virginia to be paid to the said president, directors and company of the Bank of Virginia and their successors in office, to the payment whereof well and truly to be made we bind ourselves, our heirs, executors and administrators firmly and severally firmly by these presents.

"Sealed with our seals and dated this 10th day of September 1839.

"The condition of this obligation is such that whereas the above bound William Knott has been appointed a watchman of the office of discount and deposit of the Bank of Virginia at Portsmouth to continue in office during the pleasure of the board of said office of discount and deposit. Now if the said William Knott shall in all things well and truly perform and discharge all the duties appertaining to his office, or which shall or may devolve on him as such watchman so long as he may continue in his said office of watchman, and knowingly shall not do any wrongful act injurious to the president, directors and company of the Bank of Virginia by reason or colour of his said office, then this obligation to be void, otherwise to remain in full force and effect.

WILLIAM KNOTT, [*Seal.*]
his
WILLIAM ⋈ HINMAN, [*Seal.*]
mark.
MILES W. MINTER, [*Seal.*"]

Teste,
W. R. WOODEND.

Adjourned.

At a meeting of the board of directors of the office Bank of Virginia in Portsmouth held on the 2d day of October 1839:

Present—John A. Chandler esq. president, John Cocke, William Benthall, Ovt. Bernard, Charles A. Grice, Holt Wilson, directors.

James S. Seguine produced a certificate from Holt Wilson, a justice of the peace, shewing that he has taken the oath of a director as prescribed by law, and took his seat at the board.

Notes and bills offered, - - - -		$ 15,015 80
Discounted, - - -	12,300	

Adjourned.

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At a meeting of the board of directors of the office Bank of Virginia at Portsmouth, on the 9th day of October 1839:

Present—John A. Chandler, president, Holt Wilson, Charles A. Grice, Ovt. Bernard, James S. Seguine, John Cocke, directors.

Notes and bills offered,		$7,647 15
Discounted,	3,127 55	
Domestic bills offered,		213 42
Discounted,	213 42	

Adjourned.

At a meeting of the board of directors of the office Bank of Virginia at Portsmouth on the 16th day of October 1839:

Present—John A. Chandler, president, Charles A. Grice, James S. Seguine, John Cocke, William Benthall, Holt Wilson, directors.

Notes and bills offered,	$100

Adjourned.

At a meeting of the board of directors of the office Bank of Virginia at Portsmouth on the 23d day of October 1839:

Present—John A. Chandler, president, Holt Wilson, James S. Seguine, Charles A. Grice, John Cocke, Ovt. Bernard, William Benthall, directors.

Notes and bills offered,		$6,913 30
Discounted,	6,913 30	

Adjourned.

At a meeting of the directors of the office Bank of Virginia at Portsmouth on the 30th day of October 1839:

Present—John A. Chandler, president, H. Wilson, James S. Seguine, John Cocke, Charles A. Grice, William Benthall, directors.

Notes and bills offered,		$6,151 53
Discounted,	4,900 00	

Exchange committee.

Domestic bills offered,		600 00
Purchased,	600 00	

Holt Wilson, Charles A. Grice, directors, and William H. Wilson, cashier, were duly elected the exchange committee until the first Wednesday in December next.

Adjourned.

At a meeting of the board of directors of the office Bank of Virginia in Portsmouth on the 4th day of November 1839:

Present—John A. Chandler, president, Holt Wilson, Charles A. Grice, William Benthall, John Cocke, directors.

The following resolutions were adopted:

Resolved, That this office will pay specie or its equivalent to all claimants of the government of the United States to the extent of the specie funds, or funds equal thereto which may be deposited in this office by any officer of the government of the United States.

Resolved, That a copy of the foregoing resolution be forwarded by the cashier to James K. Paulding esq., secretary of the navy at Washington.

Adjourned.

At a meeting of the board of directors of the office Bank of Virginia in Portsmouth on the 6th day of November 1839:

Present—John A. Chandler, president, Holt Wilson, William Benthall, Charles A. Grice, James S. Seguine, John Cocke, directors.

Notes and bills offered,		$11,540 00
Discounted,	11,540 00	

Adjourned.

At a meeting of the board of directors of the office Bank of Virginia at Portsmouth on the 13th day of November 1839:

Present—Holt Wilson, Charles A. Grice, John Cocke, William Benthall, James S. Seguine, directors.

John A. Chandler esq., president, being absent, Holt Wilson was elected president *pro tem.*

Notes and bills offered, - - - -		$13,625 76
Discounted, - -	13,066 61	

Adjourned.

At a meeting of the board of directors of the office of the Bank of Virginia at Portsmouth on the 20th day of November 1839:

Present—John A. Chandler, president, Holt Wilson, Charles A. Grice, William Benthall, directors.

Notes and bills offered, - - - -		$20,402 61
Discounted, - -	16,450 28	

Adjourned.

At a meeting of the board of directors of the office of the Bank of Virginia at Portsmouth on the 27th day of November 1839:

Present—John A. Chandler, president, William Benthall, Charles A. Grice, James S. Seguine, H. Wilson, directors.

Charles A. Grice, Holt Wilson, John Cocke and William Benthall, were appointed a committee to examine into the condition of this office, and to make a statement thereof in conformity to the 6th section of the act of assembly establishing general regulations for the incorporation of banks and to subsequent acts.

A letter from Overton Bernard bearing date November 16th, 1839, was received, resigning his office of a director of this branch, and his resignation accepted.

Notes and bills offered, - - - -		$17,891 46
Discounted, - -	15,997 50	

Adjourned.

J. A. CHANDLER, *President.*

WILLIAM H. WILSON, *Cashier.*

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A STATEMENT *of the amount of Notes and Bills offered for Discount at the Office of the Bank of Virginia at Portsmouth in each of the classes required by law, from the 15th day of September to the first of December* 1839, *made pursuant to a resolution of the Committee on Banks dated 12th December* 1839.

TIME OF OFFERING.	First class, $1000 and under.	Second class, over $1000 and not exceeding $10000.	Third class, over $10000 & not exceeding $20000.	Amount Discounted.	Amount Rejected.	Amount Offered.
1839—Sept. 18, Discounted, -	3510 12	11855 86		15365 98		
" " " Rejected, -	1515 85	7066 25			8582 10	23948 08
" " 25, Discounted, -	7907 78			7907 78		
" " " Rejected, -	1010 63	2000 00			3010 63	10018 41
" Oct. 2, Discounted, -	8300 00	4000 00		12300 00		
" " " Rejected, -	1215 80	1500 00			2715 80	15015 80
" " 9, Discounted, -	3127 55			3127 55		
" " " Rejected, -	519 60	4000 00			4519 60	7647 15
" " 16, Discounted, -						
" " " Rejected, -	100 00				100 00	100 00
" " 23, Discounted, -	1213 30	5700 00		6913 30		
" " " Rejected, -						6913 30
" " 30, Discounted, -	3400 00	1500 00		4900 00		
" " " Rejected, -	1251 53				1251 53	6151 53
" Nov. 6, Discounted, -	4715 00	6825 00		11540 00		
" " " Rejected, -						11540 00
" " 13, Discounted, -	4326 61	8740 00		13066 61		
" " " Rejected, -	559 15				559 15	13625 76
" " 20, Discounted, -	7180 00	9270 28		16450 28		
" " " Rejected, -	1452 33	2500 00			3952 33	20402 61
" " 27, Discounted, -	5622 50	10375 00		15997 50		
" " " Rejected, -	1893 96				1893 96	17891 46

JN. A. CHANDLER, *Pres't.*
WM. H. WILSON, *Cash'r.*

OFFICE BANK OF VIRGINIA,
PORTSMOUTH, December 24, 1839.

Amount of debts due in the form of accommodation notes on the 1st of December 1839, -	$61,252 78
Amount of notes and bills discounted and renewed in the form of accommodation paper, from 15th of September to the 1st of December 1839, - - - - -	17,855 86
Amount of business paper discounted from 15th of September to the 1st of December 1839,	27,055 36
Amount of business paper rejected from the 15th of September to the 1st of December 1839,	12,845 46

The above statement is made in pursuance of a resolution of the committee on banks bearing date 12th December 1839.

JN. A. CHANDLER, *Pres't.*
WM. H. WILSON, *Cash'r.*

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BRANCH BANK OF VIRGINIA—FREDERICKSBURG.

"At a meeting of the committee on banks December 12, 1839:

"*Resolved*, That the president and cashier of the several banks of this state and the different branches thereof be required to furnish to this committee a copy of their respective minutes or journals from the 15th of September to the 1st of December last, shewing all the proceedings of their respective boards, the amount of notes or bills offered for discount in each of the classes required by law to be made, and the amount discounted and rejected in each, the amount of debts due in the form of accommodation notes, the amount of notes and bills which had been discounted and renewed in the same form, and the amount of what is called real or business paper discounted and rejected, but without disclosing the names of the offerers, endorsers or makers of such bills or notes."

In compliance with the above resolution of the committee of the senate on banks, the cashier of the office of discount and deposit of the Bank of Virginia at Fredericksburg has the honour to report the following statements, which embrace all the information called for by said resolution:

[No. 1.]

Copy of minute-book or journal from the 13th September to the 6th of December 1839, inclusive:

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 13th September 1839:

Present—Hugh Mercer, president, Bazil Gordon, Tho. F. Knox, Robert Dickey, H. H. Wallace, John Moncure, John S. Wellford, Jos. B. Ficklen.

Amount offered for discount, - - -	$62,995 64
Amount discounted, - - - -	62,426 37

On motion, *Ordered*, That the cashier be and he is hereby instructed to inform Thomas Jones of Stafford that his note ($200) will be required to be paid when it falls due again, say on the 29th–1st November next.

(Signed) H. MERCER, *President.*

(Signed) Wm. J. Roberts, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 20th September 1839:

Present—Hugh Mercer, president, Bazil Gordon, Tho. F. Knox, Robert Dickey, H. H. Wallace, Jos. B Ficklen, John S. Wellford, John Moncure, John Scott.

Amount offered for discount, - - -	$91,992 74
Amount discounted, - - - -	83,613 75

(Signed)

H. MERCER, *President.*

Wm. J. Roberts, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 27th September 1839:

Present—Hugh Mercer, Wm. P. Taylor, Bazil Gordon, John S. Wellford, Jos. B. Ficklen, Saml. Phillips, John M. Whittemore, Thos. F. Knox, H. H. Wallace, John Scott, Wm. Jackson, Robert Dickey.

Amount offered for discount, - - -	$72,372 98
Amount discounted, - - - -	71,356 75

H. MERCER, *President.*

(Signed)

Wm. J. Roberts, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 4th of October 1839:

Present—Hugh Mercer, Bazil Gordon, Samuel Phillips, John Scott, J. S. Wellford, H. H. Wallace, John Moncure, Thomas F. Knox, Robert Dickey, Jos. B. Ficklen.

Amount offered for discount, - - -	$84,683 27
Amount discounted, - - -	73,896 14

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The board of directors took into consideration the decrees of the circuit superior court of law and chancery of Spottsylvania county, made on the 22d September 1835; on the 27th day of September 1837; on the 27th day of September 1838, and on the 13th and 30th days of September 1839, in the case of the president, directors and company of the Farmers Bank of Virginia, and the president, directors and company of the Bank of Virginia, plaintiffs, against Samuel Slaughter and other defendants; whereupon it is ordered that copies of said decrees be forthwith forwarded by the president of this office to Francis I. Thompson, Samuel Rixey and Fayette Mauzy, esquires, commissioners appointed to execute the said decrees, and that they or any two of them be and they are hereby requested to proceed with as little delay as possible to make sale of the property mentioned in the said decree made on the 22d day of September 1835, upon the terms and in the manner prescribed therein, and in all respects to comply with the directions contained in the said decree.

On motion, *Ordered*, That the cashier be and he is hereby instructed to give notice to the following persons that their debts will be required to be curtailed, viz:

John Saunders, jr.—His note to be curtailed $2000 when it falls due again.

Henry Smith—His note to be curtailed $100 each time it falls due hereafter until the debt be extinguished.

(Signed)

H. MERCER, *Pres't.*

Wm. J. Roberts, *Cas.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday 11th October 1839:

Present—Hugh Mercer, Bazil Gordon, John S. Wellford, H. H. Wallace, Robert Dickey, William Jackson, Thomas F. Knox, John M. Whittemore, Samuel Phillips, J. B. Ficklen, John Scott, William P. Taylor.

Amount offered for discount,	-	-	-	$84,433 17
Amount discounted,	-	-	-	74,910 33

On motion, *Ordered*, That the cashier be and he is hereby instructed to inform the following persons that their notes will be curtailed in the following manner, viz:

Rich'd J. Walker—His note of $900 to be curtailed $300 each time it falls due hereafter until the debt be extinguished.

Phil. Thornton—His note to be curtailed $500 each time it falls due hereafter until the debt be reduced to $3000.

H. MERCER, *Pres't.*

(Signed)

Wm. J. Roberts, *Cas.*

At a special meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Saturday the 12th October 1839:

Present—Hugh Mercer, president, William Jackson, H. H. Wallace, Thomas F. Knox, John Scott, Robert Dickey, Samuel Phillips.

The president laid before the board a letter of the cashier of the Bank of Virginia of yesterday's date, in the words following, viz:

"Information has been received that the banks in Philadelphia and Baltimore have determined temporarily to suspend payments in specie; and if I may be permitted to express an opinion on the subject, a similar determination will be made by the banks in this city. Under the circumstances it will be proper to have your board convened, that measures may be taken to avoid a drain of your coin."

Which letter being read, the board unanimously *Resolved*, That the cashier be and he is hereby instructed to conform for the present to the course recommended by the letter aforesaid. And then the board adjourned to meet again on Monday next at 9 o'clock A. M.

H. MERCER, *Pres't.*

(Signed)

Wm. J. Roberts, *Cas.*

At an adjourned meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Monday the 14th of October 1839:

Present—Hugh Mercer, president, John M. Whittemore, Robert Dickey, H. H. Wallace, John Scott, Sam'l Phillips, William Jackson, Thomas F. Knox, John S. Wellford, Jos. B. Ficklen.

The president informed the board that no communication had been received from the Bank of Virginia on any subject since their adjournment on the 12th instant.

H. MERCER, *Pres't.*

(Signed)

Wm. J. Roberts, *Cas.*

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At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 18th October 1839:

Present—Hugh Mercer, president, John Moncure, Samuel Phillips, J. B. Ficklen, Robert Dickey, John M. Whittemore, Bazil Gordon, John Scott, William Jackson, Thomas F. Knox, H. H. Wallace, John S. Wellford.

Amount offered for discount,	$83,355 15
Amount discounted,	13,278 99

The president laid before the board a letter of the president of the Bank of Virginia of the 16th instant, transmitting resolutions entered into by the president and directors of the Bank of Virginia, the Farmers Bank of Virginia, and of the Exchange Bank of Virginia; which resolutions are in the words following, viz:

"The president and directors of the Bank of Virginia, of the Farmers Bank of Virginia, and of the Exchange Bank of Virginia at Richmond, assembled in general meeting the 15th October 1839. The opinions of B. W. Leigh, Chapman Johnson, Conway Robinson and Samuel Taylor, esquires, upon the questions how far the chartered privileges of the banks would be forfeited by the suspension of specie payments, and by what mode the forfeiture and other penalties in such case incurred would have to be exacted and enforced, were first read to the meeting. The meeting then proceeded to enquire how the business of the banks ought for the present to be conducted, and whether it would be admissible, reference being had to the necessities of the public, to discount to a moderate extent paper that is to be paid at maturity.

"Whereupon, on full consideration, it was unanimously *Resolved*, That it be recommended to the boards of the several banks not to renew notes heretofore discounted, but to allow the same to remain over in such instances as the parties are unable to pay, and by the usage of the bank were authorized to expect a renewal, upon written waives of demand, notice and protest, an understanding of the several parties bound to remain liable in default of such demand, protest and notice, or upon the transfer of approved collateral security, but that in such cases as the parties do not make such arrangements, or from absence have not the opportunity of doing so, that the ordinary course of protest of securing debts be adopted; and that to prevent the general and painful embarrassment and discredit which would result from the refusal altogether to discount hereafter, that the discount of approved paper to a moderate extent be continued."

The foregoing preamble and resolutions having been read and considered, the board of directors unanimously resolved to conform to the recommendation therein advised, and desired the president to inform the president of the Bank of Virginia that such would be their course of proceeding.

(Signed)

H. MERCER, *Pres't.*

Wm. J. Roberts, *Cas.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 25th October 1839:

Present—Hugh Mercer, president, Bazil Gordon, H. H. Wallace, J. S. Wellford, Tho. F. Knox, Samuel Phillips, John Scott, John Moncure, Wm. P. Taylor.

Amount offered for discount,	$6,500 00
Amount discounted,	6,050 00

On motion, *Ordered*, That the trustee in the deed of trust from William Crump and wife bearing date the 3d February 1837, to secure the debt of the said Crump to this office, be and he is hereby requested to advertise and sell for cash the real estate (the personal property having been sold on the 15th September 1838, and the proceeds applied to the liquidation of the debt) conveyed in the aforesaid deed of trust, and apply the proceeds thereof to the payment of the debt of the said Crump now under protest.

(Signed)

H. MERCER, *President.*

Wm. J. Roberts, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 1st November 1839:

Present—Bazil Gordon, president *pro tem.*, John Moncure, J. B. Ficklen, H. H. Wallace, John Scott, Robert Dickey, Tho. F. Knox, Wm. Jackson, Saml. Phillips, John M. Whittemore.

Amount offered for discount,	$22,514 11
Amount discounted,	20,211 98

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A. M. Green made application by letter of this date for a loan of $4500 on a note of Jones Green endorsed by Thomas Green and himself, which was on consideration thereof rejected.

(Signed)

BAZIL GORDON, *Pres't P. T.*

WM. J. ROBERTS, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 8th November 1839:

Present—Bazil Gordon, president *pro tem.*, John Moncure, John Scott, Th. F. Knox, Jos. B. Ficklen, Robert Dickey, John S. Wellford, H. H. Wallace, William Jackson.

Amount offered for discount, - - -	$13,775 16
Amount discounted, - - - -	13,183 77

The cashier called the attention of the board to the debt of Dubosq, Baton & Co. of Philadelphia for $901 37 cents, which is in suit in Philadelphia, and on which judgment is expected to be obtained within the present year. The debt stands at the debit of Wm. Brooke jr. on the books of this office. See suit-book and the letter of the cashier to W. Patton jr. cashier, of the 25th of July 1838.

(Signed)

BAZIL GORDON, *Pres't P. T.*

WM. J. ROBERTS, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 15th November 1839:

Present—Hugh Mercer, president, Th. F. Knox, H. H. Wallace, John Moncure, Saml. Phillips, Bazil Gordon, John M. Whittemore, William Jackson, John Scott, Robert Dickey.

Amount offered for discount, - - -	$17,337 56
Amount discounted, - - - -	14,605 73

The attention of the board was called to the amount (436 55) due by the late Mechanics Bank of Alexandria, and upon consideration thereof, it is ordered that the cashier be and he is hereby instructed to close the matter by charging profit and loss with the amount, say $436 55.

(Signed)

H. MERCER, *President.*

WM. J. ROBERTS, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 22d November 1839:

Present—Hugh Mercer, president, John Moncure, Bazil Gordon, H. H. Wallace, Samuel Phillips, Robert Dickey, John Scott, J. S. Wellford, William Jackson, John M. Whittemore, Joseph B. Ficklen, Thomas F. Knox.

Amount offered for discount, - - -	$22,146 86
Amount discounted, - - - -	21,646 86

The cashier laid before the board an instrument of writing executed by William K. Smith esq., dated the 19th instant, binding himself to make and execute a full and complete title to certain real estate therein described, more effectually to secure his liabilities to this office and to the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg. Upon consideration whereof it was unanimously deemed expedient to accept the same for the present on the part of this office till a more formal and minute conveyance can be made.

(Signed)

H. MERCER, *President.*

WM. J. ROBERTS, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 29th November 1839:

Present—Hugh Mercer, president, John Moncure, Bazil Gordon, Robert Dickey, H. H. Wallace, Samuel Phillips, John Scott, William Jackson, John S. Wellford, J. M. Whittemore, J. B. Ficklen, Thomas F. Knox.

Amount offered for discount, - - -	$12,792 86
Amount discounted, - - - -	12,684 86

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The cashier laid before the board a letter from Mr. Samuel Slaughter, dated the 22d instant, expressing a wish that the directors would authorize the commissioners named in the decree of the banks against Samuel Slaughter, Philip Slaughter and others, to dispose of certain property mentioned in said letter; and upon consideration thereof it was ordered that the president be, and he is hereby requested to inform Samuel Slaughter esq., that as the commissioners have declined executing the whole decree the directors do not consider themselves at liberty to permit them to execute it in part.

The cashier laid before the board a letter from J. Howard & Sons of New York, dated the 23d inst., which letter was read and ordered to be filed.

(Signed)

H. MERCER, *President.*

Wm. J. Roberts, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Bank of Virginia at Fredericksburg on Friday the 6th December 1839:

Present—Hugh Mercer, president, Bazil Gordon, J. S. Wellford, John Scott, J. M. Whittemore, J. B. Ficklen, H. H. Wallace, Robert Dickey, William Jackson, John Moncure.

Amount offered for discount, - - -	$22,308 18
Amount discounted, - - - -	22,308 18

On motion, *Ordered*, That the cashier be and he is hereby instructed to inform V. M. Houseworth and his endorsers that his note will be curtailed $200 each time it falls due hereafter until the debt be extinguished.

The cashier informed the board that he had received of captain William K. Smith for collection the following notes and acceptances, amounting to $2586 49, which when paid are to be applied to the payment of the acceptance of J. Howard & Sons of New York, for $2500 now under protest, viz:

Mortimer & Mowbray, Baltimore, acceptance due	26–29 February,	-	$508 05
Ira Harris, payable Canal Bank, Albany,	30–3 May, -	-	944 12
D. Berrian jr. & Co., New York, note,	23–26 April, -	-	533 40
O. P. Blair, note, payable U. S. Bank, Phila.,	23–26 February,	-	600 92

The cashier laid before the board of directors a letter from John Crump of the 5th inst., wishing to know that if he should become the purchaser of the property of William Crump and wife, which is advertised to be sold at public auction by William J. Roberts, trustee, on the 7th instant, whether the directors will receive his note for the amount endorsed by John A. Porter, with a deed of trust on the property; which letter being read, it was on motion, *Ordered*, That the president or cashier inform Mr. Crump that the directors are willing to receive his note as stated above, provided he will add to it some additional personal security.

(Signed)

H. MERCER, *President.*

Wm. J. Roberts, *Cashier.*

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[No. 2.]

A STATEMENT *shewing the amount of Notes and Bills offered for Discount at the Bank of Virginia at Fredericksburg, in each of the classes required by law, from 15th September to 1st December* 1839.

Date of offering.	1st class, $1000 and under.	2d class, over $1000 and under $10000.	3d class, over $10000 and under $20000.	Total discounted.	Total rejected.	Total offered.
1839,						
September 20, Discounted,	12378 58	66014 66	13600 00	83613 75		
" " Rejected,	878 99	7500 00	-	-	8378 99	91992 74
" 27, Discounted,	14135 35	46168 97	12068 68	71356 75		
" " Rejected,	1016 25	-	-	-	1016 25	72373 00
October 4, Discounted,	16279 08	78404 19	-	73896 14		
" " Rejected,	2882 41	7704 72	-	-	10587 13	94683 27
" 11, Discounted,	14189 83	70043 34	-	74910 33		
" " Rejected,	2618 12	6904 72	-	-	9522 84	84433 17
" 18, Discounted,	13484 70	69870 45	-	13278 99		
" " Rejected,	11240 78	58835 68	-	-	70076 46	83355 45
" 25 Discounted,	1900 00	4600 00	-	6050 00		
" " Rejected,	450 00	-	-	-	450 00	6500 00
November 1, Discounted,	5378 11	17136 00	-	20211 98		
" " Rejected,	302 13	2000 00	-	-	2302 13	22514 11
" 8, Discounted,	2267 76	11507 40	-	13183 77		
" " Rejected,	385 76	205 63	-	-	591 39	13775 16
" 15, Discounted,	3095 50	14242 06	-	14605 73		
" " Rejected,	1469 60	1262 23	-	-	2731 83	17337 56
" 22, Discounted,	2850 86	19296 00	-	21646 86		
" " Rejected,	500 00	-	-	-	500 00	22146 86
" 29, Discounted,	4327 99	8464 87	-	12684 86		
" " Rejected,	108 00	-	-	-	108 00	12792 86

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[No. 3.]

A STATEMENT *exhibiting the amount of Debts due in the form of accommodation, the amount of Notes and Bills which had been discounted and renewed in the same form, and the amount of what is called real or business paper, Discounted and Rejected.*

Date of offering.		Debts due in the form of accommodation.	Notes and Bills which have been discounted and renewed.	Amount of what is called business paper.	Total Discounted.	Total Rejected.	Total offered.
1839,							
August 9,	Discounted,	37638 62	17641 64	14884 77	70165 03		
" "	Rejected,	-	-	650 00	-	650 00	70815 03
" 16,	Discounted,	28466 93	16290 00	10273 38	55030 31		
" "	Rejected,	-	2500 00	233 40	-	2733 40	57763 71
" 23,	Discounted,	30430 00	22750 00	14006 32	67186 32		
" "	Rejected,	-	-	535 23	-	535 23	67721 55
" 30,	Discounted,	24371 89	7200 00	23703 24	55275 13		
" "	Rejected,	-	-	11147 00	-	11147 00	66422 13
September 6,	Discounted,	40048 13	22981 48	17272 98	80302 59		
" "	Rejected,	-	-	-	-	-	80302 59
" 13,	Discounted,	29613 74	14103 00	18709 63	62426 37		
" "	Rejected,	-	-	569 27	-	569 27	62995 64
" 20,	Discounted,	47300 43	26891 00	9422 32	83613 75		
" "	Rejected,	-	-	8378 99	-	8378 99	91992 74
" 27,	Discounted,	47812 42	2246 00	21298 33	71356 75		
" "	Rejected,	-	-	1016 25	-	1016 25	72373 00
October 4,	Discounted,	42477 38	7474 79	23943 97	73896 14		
" "	Rejected,	-	-	10787 13	-	10787 13	84683 27
		328159 54			619252 39	35817 27	655069 66

WM. J. ROBERTS, *Cashier.*

21*st December* 1839.

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BRANCH BANK OF VIRGINIA—LYNCHBURG.

SEPTEMBER 18, 1839.

At a meeting of the board of directors on Wednesday the 18th September 1839:

Present—C. Dabney, president, Henry Davis, John Hollins, Tho. A. Holcombe, Ro. Tinsley, E. Fletcher, J. R. Holmes, Jno. Miller, J. J. Purvis, Sam. Nowlin.

The rule restricting discounts was on motion suspended for this day, and thereupon the board made sundry discounts per offering-book of this date (the members of the board absenting themselves respectively when the paper on which their names appeared was voted on), and then adjourned.

C. DABNEY, *Pres't.*

SEPTEMBER 25, 1839.

At a meeting of the board of directors on Wednesday September 25, 1839:

Present—C. Dabney, president, Henry Davis, John Hollins, Th. A. Holcombe, J. R. Holmes, Sam. Nowlin, C. L. Mosby.

The board agreed to accept and did accept in discharge of the balance of David S. Garland's note endorsed by Edward A. Cabell and Wm. M. Waller, the note of John P. Sampson endorsed by Geo. H. Crank for $ 7820 19, dated on the 4th day of September 1839, payable sixty days after the date thereof, and negotiable and payable at this office, and further secured by a deed of trust bearing date on the 31st day of August 1839, and of record in the county court of Amherst, executed by the said Sampson to Chs. L. Mosby and Maurice H. Garland for the benefit of the president, directors and company of the Bank of Virginia and Samuel Garland. The said acceptance is upon the terms and conditions specified in said deed of trust.

The board made sundry discounts per offering-book of this date (the members respectively absenting themselves when the paper on which their names appeared was voted on), and then adjourned.

C. DABNEY, *Pres't.*

OCTOBER 2, 1839.

At a meeting of the board of directors on Wednesday the 2d October 1839:

Present—C. Dabney, president, Henry Davis, Jno. W. Young, J. R. Holmes, Ro. Tinsley, J. J. Purvis, E. Fletcher, Sam. Nowlin, directors.

A proposition was submitted on behalf of col. David Saunders asking indulgence upon the judgments about to be obtained against him, and the same was rejected.

At the instance of Ro. L. Wilburne he is released from the curtail of 20 per cent. upon his debt (agreeable to the general requisition heretofore directed upon debts of that description, loans to dealers in slaves,) until the same shall amount upon the original amount of his debt to $ 1250, the sum he has already paid towards the discharge of his debt.

The board made sundry discounts per offering-book of this date (the members respectively absenting themselves when the paper upon which their names appeared was voted on), and then adjourned.

C. DABNEY, *Pres't.*

OCTOBER 9, 1839.

At a meeting of the board of directors on Wednesday the 9th day of October 1839:

Present—C. Dabney, president, Henry Davis, J. R. Holmes, S. Nowlin, J. Hollins, C. L. Mosby, J. W. Young.

The rule restricting discounts was suspended for this day, and thereupon the board made sundry discounts per offering-book of this date (the members of the board respectively absenting themselves when the paper on which their names appeared was voted on), and then adjourned.

C. DABNEY, *Pres't.*

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October 16, 1839.

At a meeting of the board of directors on Wednesday the 16th October 1839:

Present—C. Dabney, president, Henry Davis, E. Fletcher, J. Hollins, Sam. Nowlin, C. L. Mosby, J. R. Holmes, Jno. W. Young, directors.

The rule restricting discounts was suspended for this day, and thereupon the board made sundry discounts per offering-book of this date, (the members of the board respectively absenting themselves when the paper on which their names appeared was voted on,) and then adjourned.

C. DABNEY, *President.*

October 23, 1839.

At a meeting of the board of directors on Wednesday the 23d October 1839:

Present—C. Dabney, president, Ro. Tinsley, T. A. Holcombe, J. R. Holmes, Jno. Miller, E. Fletcher, C. L. Mosby, Jno. Hollins, Jno. W. Young, Saml. Nowlin, O. G. Clay.

In pursuance of a recommendation from the mother bank communicated by the president, the board resolved not to renew notes heretofore discounted, but to allow the same to remain over in such instances as the parties are unable to pay, and by the usage of the bank were authorized to expect a renewal, upon written waiver of demand, notice and protest, and upon the undertaking by the several parties bound to remain liable in default of such demand, protest and notice, or upon the transfer of approved collateral security, but that in such cases as the parties do not make such arrangements, or from absence have not the opportunity of doing so, that the ordinary course of protest for securing debts be adopted—and that to prevent the general and painful embarrassment and discredit which would result from the refusal altogether to discount hereafter that the discount of of approved paper to a moderate extent be continued.

Messrs. E. Fletcher and Jno. Hollins were appointed a committee to confer with Jacob Rumbough touching his proposition this day submitted for the purchase of a portion of the real estate belonging to the bank.

The board made sundry discounts per offering-book of this date, (the members of the board respectively absenting themselves when the paper on which their names appeared was voted on,) and then adjourned.

C. DABNEY, *President.*

October 30, 1839.

At a meeting of the board of directors on Wednesday the 30th day of October 1839:

Present—C. Dabney, president, Th. A. Holcombe, Jno. Hollins, J. J. Purvis, J. R. Holmes, C. L. Mosby, Jno. Miller, E. Fletcher, directors.

The board made sundry discounts per offering-book of this date, (the members of the board respectively absenting themselves when the paper on which their names appeared was voted on,) and then adjourned.

C. DABNEY, *President.*

November 6, 1839.

At a meeting of the board of directors on Wednesday the 6th November 1839:

Present—C. Dabney, president, Henry Davis, E. Fletcher, Jno. Hollins, Jno. W. Young, Chs. L. Mosby, Saml. Nowlin, Jno. Miller, J. R. Holmes, directors.

On motion, the rule restricting discounts was suspended as to an application of P. & J. W. Dudley for a loan of $ 1800 upon their note for that amount endorsed by Wm. M. Davis and Elizabeth Davis, and the same was made, payable in four and six months.

The board made sundry other discounts per offering-book of this date, (the members of the board respectively absenting themselves when the paper on which their names appeared was voted on,) and then adjourned.

C. DABNEY, *President.*

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NOVEMBER 13, 1839.

At a meeting of the board of directors on Wednesday the 13th November 1839:

Present—C. Dabney, president, John Hollins, John W. Young, C. L. Mosby, Thomas A. Holcombe, E. Fletcher, J. R. Holmes, Samuel Nowlin, John Miller, Henry Davis, directors.

On motion, the rule restricting discounts was suspended as to the note of Benjamin W. Walker, endorsed by S. J. Walker, Benjamin P. Walker, John Johns, and J. E. & E. Fitzpatrick for $ 2889 50 dated 1st instant and payable four months after date, and the same was discounted.

The board made sundry other discounts per offering-book of this date (the members of the board respectively absenting themselves when the paper on which their names appeared was voted on) and then adjourned.

C. DABNEY, *President.*

NOVEMBER 20, 1839.

At a meeting of the board of directors on Wednesday the 20th November 1839:

Present—Henry Davis, president *pro tem.*, (appointed by letter from the president,) John Miller, T. A. Holcombe, O. G. Clay, John Hollins, J. J. Purvis, Samuel Nowlin, directors.

The board made sundry discounts per offering-book of this date and then adjourned.

HENRY DAVIS, *President pro tem.*

NOVEMBER 27, 1839.

At a meeting of the board of directors on Wednesday the 27th day of November 1839:

Present—C. Dabney, president, John W. Young, J. R. Holmes, H. Davis, E. Fletcher, Robert Tinsley, John Miller, Thomas A. Holcombe, directors.

The board ratify the sale of the land purchased of John Ware sen'r to Jesse Richeson, recently negotiated by the president at two dollars per acre, cash.

The board also agree to sell to Jacob Rumbough the house with forty-five feet of ground adjoining the Methodist church in this place, at the price of $ 1250. The said Rumbough to secure the payment thereof with interest from the date of the purchase until paid—and to pay fifty dollars of the principal every sixty days until paid.

The board made sundry discounts as per offering-book of this date (the members of the board respectively absenting themselves when the paper on which their names appeared was voted on) and then adjourned.

C. DABNEY, *President.*

Extracted from minute book.

C. DABNEY, *President.*

23*d December* 1839.

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A STATEMENT *of the amount of Bills and Notes offered for Discount at the Office of the Bank of Virginia at Lynchburg in each of the classes required by law from* 15*th September to* 1*st December* 1839, *made out in pursuance of a resolution of the Committee on Banks of* 12*th December* 1839.

TIME OF OFFERING.	1st class, $1000 and under.	2d class, over $1000 and not exceeding $10000.	3d class, over $10000 and not exceeding $30000.	Whole amount discounted.	Whole amount rejected.	Whole amount offered.	Amount due in the form of accommodation.	Amount which had been discounted and renewed in the same form.	Real paper discounted.	Real paper rejected.
1839.										
September 18th,										
Discounted, - -	11637 46	32873 33	-	44710 79						
Rejected, - -	2919 49	-	-	-	2919 49	47630 28	18225 00	17077 25	27633 54	2919 49
September 25th,										
Discounted, - -	12295 93	35797 53	13500 00	61593 46						
Rejected, - -	1500 00	-	-	-	1500 00	63093 46	34565 00	22780 00	38813 46	1500 00
October 2d,										
Discounted, - -	17977 72	33429 12	12000 00	63406 84						
Rejected, - -	1530 52	2000 00	-	-	3530 52	66937 36	30140 00	26865 00	36541 84	3530 52
October 9th,										
Discounted, - -	18197 39	20185 77	-	38383 16						
Rejected, - -	651 80	-	-	-	651 80	39034 96	13350 00	8950 00	29433 16	651 80
October 16th,										
Discounted, - -	11721 92	39631 96	-	51352 88						
Rejected, - -	2107 99	-	-	-	2107 99	53460 87	40990 00	35670 00	10982 88	2107 99
October 23d,										
Discounted, - -	11685 82	7224 31	-	18910 30						
Rejected, - -	3257 65	-	-	-	3257 65	22167 95	21395 00	-	13710 30	3257 65
October 30th,										
Discounted, - -	11388 46	9262 63	-	20651 09						
Rejected, - -	655 00	-	-	-	655 00	21306 09	58805 00	-	20651 09	655 00
November 6th,										
Discounted, - -	12027 96	11876 03	-	23903 99						
Rejected, - -	1500 00	-	-	-	1500 00	25403 99	21862 12	-	23103 99	1500 00
November 13th,										
Discounted, - -	7820 34	11039 50	-	18859 84						
Rejected, - -	808 08	-	-	-	808 08	19667 92	13317 00	-	18859 84	808 08
November 20th,										
Discounted, - -	6571 88	4500 00	-	11071 88						
Rejected, - -	3356 45	3000 00	-	-	6356 45	17428 33	27294 65	-	10871 88	6356 45
November 27th,										
Discounted, - -	12502 77	4530 00	-	17032 77						
Rejected, - -	460 00	-	-	-	460 00	17492 77	22321 27	-	17032 77	460 00

C. DABNEY, *President.*

December 23, 1839.

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BRANCH BANK OF VIRGINIA—DANVILLE.

At a meeting of the directors of the office of discount and deposite of the Bank of Virginia at Danville at their banking house on Saturday September 21st, 1839:

The committee appointed to count the funds of the bank and the bills and notes, and compare the same with the books of the bank, made their report, which upon consideration was confirmed and approved by the board.

The paper offered for discount was passed upon and $46,559 93 discounted, as stated upon the offering-book from No. 1 to 39, and then the board adjourned.

SATURDAY, September 28, 1839.

The paper offered for discount was passed upon, and $27,410 discounted, as stated upon offering-book from No. 1 to 28, and then the board adjourned.

SATURDAY, October 5, 1839.

Ordered, That John Ross, George Craghead and John Dickinson constitute a committee to count the cash and bills and notes, and examine their respective accounts, and report.

The paper offered for discount was passed upon, and $ 39,081 30 discounted, as stated upon offering-book from No. 1 to 37, and then the board adjourned.

SATURDAY, October 12, 1839.

The committee appointed to count the funds of the bank and the bills and notes, and compare the same with the books of the bank, made their report, which upon consideration was confirmed and approved by the board.

The paper offered for discount was passed upon, and $ 34,315 discounted and $ 3300 rejected, as stated upon offering-book from No. 1 to 27, and then the board adjourned.

SATURDAY, October 19, 1839.

From information the board believing that the mother bank had suspended specie payments, determined for the present to do nothing in the way of discounting paper, and then adjourned.

SATURDAY, October 26, 1839.

The board rejecting the paper offered for discount then adjourned.

TUESDAY, October 29, 1839.

At a called meeting of the directory, Tho. Rawlins, a debtor of the Bank of Virginia, having submitted to the board of directors of this office a written proposition requesting the said board to advise James Lanier and George Townes, trustees for the Bank of Virginia, the Farmers Bank of Virginia and others to sell certain slaves, sixteen in number, and conveyed by a deed of trust bearing date on the 6th day of May 1837, and duly recorded in the county court of Pittsylvania, reference thereto may more fully appear, to sell the said slaves privately to Francis Williams for the lumping sum of nine thousand dollars—five thousand dollars part thereof payable on or before the first day of July next carrying interest from this date, and the residue four thousand dollars payable on or before the first day of January 1841, carrying like interest from this day until paid.

The board having examined the estimates of the value of said slaves, and being fully satisfied that they are estimated beyond the market value in cash, and that the said Francis Williams is fully responsible for the said purchase money, do

Resolve, That the said trustees be advised, so far as the Bank of Virginia is concerned, to make the said sale upon the terms proposed. And then the board adjourned.

SATURDAY, November 2, 1839.

Ordered, That William Linn and William Ayres compose a committee to count the cash of the bank and the bills and notes, and examine their respective account upon the books of the office, and compare each and report.

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The paper offered for discount was passed upon, and $3640 50 discounted, as stated upon offering-book, and then adjourned.

SATURDAY, November 9, 1839.

The committee appointed to count the funds of the bank and the bills and notes, and compare the same with the books of the bank, made their report, which upon consideration was confirmed and approved by the board.

The paper offered for discount was passed upon, and all rejected, and then the board adjourned.

SATURDAY, November 16, 1839.

Ordered, That if Ro. W. Williams file with the cashier his draft upon Norman & Courtney, Baltimore, for $300 at 90 days, endorsed by Edwin R. Beavers, that the same be discounted by the cashier. No other paper offered, the board then adjourned.

SATURDAY, November 29, 1839.

The paper offered for discount was passed upon, and $2900 discounted and $2000 rejected, as stated upon offering-book, and then the board adjourned.

A STATEMENT *of the amount of Notes and Bills offered for discount at the Office of the Bank of Virginia at Danville, in each of the classes required by law, from the 15th September to 1st December* 1839.

Time of offering.	1st class, $1000 and under.	2d class, over $1000 and not exceeding $10000.	3d class, over $10000 & not exceeding $20000.	Amount Discounted.	Amount Rejected.	Amount offered.
1839—September 21,	13459 93	33100 00	-	46559 93	-	46559 93
" 28,	11210 00	16200 00	-	27410 00	-	27410 00
October 5,	10331 30	28750 00	-	39081 30	-	39081 30
" 12,	8615 00	25700 00	-	34315 00	3300 00	37615 00
" 19,	900 00	-	-	-	900 00	900 00
" 26,	1000 00	1500 00	-	-	2500 00	2500 00
November 2,	1850 00	1790 50	-	3640 50	-	3640 50
" 9,	637 50	-	-	-	637 50	637 50
" 23,	1700 00	1200 00	-	2900 00	2000 00	4900 00
" 30,	500 00	-	-	500 00	462 50	962 50

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BRANCH BANK OF VIRGINIA—BUCHANAN.

Copy of the Minutes of the Board of Directors of the Office of the Bank of Virginia at Buchanan, commencing 21st September 1839.

At a meeting of the board of directors of the office of the Bank of Virginia at Buchanan on Saturday 21st September 1839:

Present—J. L. Woodville, president, J. M. Harvey, C. T. Beale, O. W. Kean, directors.
Sundry discounts were made as per offering-book. The cashier is authorized to discount the note of endorsed satisfactorily for $3000 for 6 months.

J. L. WOODVILLE, *President.*

S. B. ANTHONY, *Secretary.*

At a meeting of the board of directors of the office of the Bank of Virginia at Buchanan on Saturday 28th September 1839:
Present—J. L. Woodville, president, C. Breckenridge, J. M. Harvey, C. T. Beale, J. S. Walrond, directors.
Sundry discounts were made as per offering-book. The cashier is authorized to discount draft on for 90 days for $1000, endorsed by also note, endorsed by for $1684 56 at 60 days.

J. L. WOODVILLE, *President.*

S. B. ANTHONY, *Secretary.*

At a meeting of the directors of the Bank of Virginia at Buchanan October 5, 1839:
Present—Charles T. Beale, president *pro tem.*, J. M. Harvey, J. S. Walrond, O. W. Kean, directors.
Sundry discounts were made as per offering-book. The cashier is authorized to discount note for $600, satisfactorily endorsed, loan for 6 months—also draft on for $1000 at 4 months, and one on for the same sum at 90 days. Both to be endorsed by

CHAS. T. BEALE, *President pro tem.*"

J. ANTHONY, *Secretary.*

October 12th.—No board—regular paper continued under a previous order of the board.

J. ANTHONY, *Cashier.*

At a meeting of the president and directors of the Bank of Virginia at Buchanan October 19, 1839:
Present—James L. Woodville, president, John S. Wilson, John M. Harvey, Cary Breckenridge, Chas. T. Beale, James S. Walrond, Otho W. Kean, directors.
It is ordered, That all the notes due the Bank of Virginia at the Buchanan branch which become due on this day be protested, (the board having reason to believe that the mother bank in Richmond has suspended specie payments,) unless in such cases the endorsers on the notes shall before three o'clock on this day leave with the cashier a memorandum in writing, stating that they dispense with the protest and will be bound as endorsers in the same way that they would be should they be regularly protested. This order is made for the safety of the bank, and it is not intended that it should affect the credit of the parties.
Cary Breckenridge having notified the board of his resignation as a director in this office, the board unanimously appointed Thomas G. Godwin to fill the vacancy.
James L. Woodville is added to the building committee.

J. L. WOODVILLE, *President.*

J. ANTHONY, *Secretary.*

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At a meeting of the president and directors of the Bank of Virginia at Buchanan, Saturday October 26th, 1839:

Present—Jas. L. Woodville, president, Jno. S. Wilson, Jno. M. Harvey, Thos. G. Godwin, directors.

Thos. G. Godwin a director appointed at the last board appeared and took and subscribed the following oath:

"I do swear to the best of my knowledge and ability to perform the duties assigned to or trust reposed in me as a director of the Bank of Virginia at Buchanan.

THO'S G. GODWIN."

"Subscribed and sworn to before me a justice of the peace for the county of Botetourt, this 26th November 1839.

M. PENDLETON."

Jno. S. Wilson, Otho W. Kean and Thos. G. Godwin are appointed a committee to examine the condition of all the debts due this office and make report thereof to the board.

J. L. WOODVILLE, *Pres't.*

J. ANTHONY, *Scty.*

At a meeting of the president and directors of the Bank of Virginia at Buchanan, Saturday the 2d November 1839:

Present—J. L. Woodville, president, Jno. S. Wilson, Chs. T. Beale, Otho W. Kean, directors.

Charles T. Beale, Jas. S. Walrond and Jno. S. Wilson are appointed a committee to settle with the cashier.

J. L. WOODVILLE, *Pres't.*

J. ANTHONY, *Scty.*

At a meeting of the president and directors of the Bank of Virginia at Buchanan, Saturday the 9th November 1839:

Present—Jas. L. Woodville, president, Jno. S. Wilson, Chs. T. Beale, O. W. Kean, Jas. S. Walrond, directors.

The following resolution was offered and unanimously adopted:

The conduct and management of the board of directors of the bank in this place having been condemned in the most pointed and unqualified terms in resolutions adopted at a meeting of some of the citizens of Buchanan and Pattonsburg on the night of the 6th instant, the president and directors deem it due to themselves, the stockholders of the bank and the public generally that there should be an investigation into their conduct as directors: Therefore,

Resolved, That the board of directors of the mother bank be requested to appoint forthwith a committee composed of fit and proper persons from Richmond or elsewhere to examine into the manner in which the business of this office has been conducted, the condition of the bank at the present time, and that they make a report thereof together with any other matter deemed pertinent by the said committee, or required by the mother bank to be stated.

Resolved, That the Buchanan Journal of the 8th instant containing the proceedings of said meeting be sent with these resolutions to Dr. John Brockenbrough, president of the Bank of Virginia, with a request that he will lay the same before the board of directors at their first meeting after the receipt thereof.

JA'S L. WOODVILLE, *Pres't.*

J. ANTHONY, *Scty.*

There was no regular meeting of the board of directors at this office from the 9th November until the 17th December, the board having determined to make no further discounts until authorized to do so by the legislature.

J. ANTHONY, *Cas'r.*

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A STATEMENT *of the amount of Notes and Bills offered for Discount at the Office of the Bank of Virginia at Buchanan, in each of the classes required by law to be made from the 15th September to 1st December* 1839.

		1st class, $1000 and under.	2d class, over $1000 not exceeding $10000.	3d class, over $10000 not exceeding $30000.	Amount Discounted.	Amount Rejected.	Total offered.	
1839,								
Sep. 21,	Discounted,	8239 96	20350 00	-	28589 96	1010 00	29599 96	
" "	Rejected,	1010 00						
" 28,	Discounted,	7382 26	11968 00	-	19350 26	1558 83	20909 09	
" "	Rejected,	1558 83						
Oct. 5,	Discounted,	7071 83	21432 95	-	28504 78	3400 00	31904 78	
" "	Rejected,	-	3400 00					
" 7,	Discounted,	3000 00	-	-	3000 00	-	3000 00	
" "	Rejected,							
" 12,	Discounted,	2749 10	22350 00	-	25099 10	4643 00	29742 10	Not a quorum attending, only the old paper continued, by previous order of board in such cases.
" "	Rejected,	2643 00	2000 00					
		33654 98	81500 95		104544 10	10611 83	115155 93	

After the meeting of the board of directors on the 12th October no discounts were made at this office in consequence of the suspension of specie payments, until after the passage of the act of the present legislature granting relief to the banks.

Amount of debt upon which curtails have been ordered by the board, and which may be set down as accommodation, - - - - -	-	$107,400 68
Amount of bills which had been discounted, renewed between the 15th September and 12th October (after which no discounts were made) in same form, -	-	64,814 33
Amount of business paper payable here discounted from 15th Sept'r to 12th October,	453 49	
Amount of business paper and drafts payable elsewhere discounted from 15th Sept'r to 12th October, - - - - - -	11,190 72	
		11,644 21
Amount of business paper payable here rejected from 15th Sept'r to 12th October,	563 00	
Amount of business paper and drafts payable elsewhere rejected from 15th Sept'r to 12th October, - - - - - -	1,145 00	
		1,708 00

J. ANTHONY, *Cashier.*

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BRANCH BANK OF VIRGINIA—CHARLESTON, KANAWHA.

CHARLESTON, Ka. September 4, 1839.

At a meeting of the board of directors the following gentlemen were present, viz:
James C. M'Farland, president, Joel Shrewsbury sr., John Welch, Wm. R. Cox and George W. Summers.
The board made sundry discounts as per offering-book and then adjourned.

(Signed)
JS. C. M'FARLAND, *Pres't.*

The minutes of the 11th, 18th and 25th September, and 2d and 9th October shew no material variation from the above except that the boards were not always composed of the same individuals.

CHARLESTON, Ka. October 16, 1839.

At a meeting of the board of directors the following gentlemen were present, viz:
S. Patrick, president, Joel Shrewsbury, sr., Wm. R. Cox, Levi Welch.
The board made sundry discounts as per offering-book.
A letter was read from the cashier of the parent bank dated October 11, to the cashier of this office, announcing the suspension of specie payments at Philadelphia and Baltimore, with the expectation that the Virginia banks would adopt a similar course. Whereupon this board adopted the following resolution:
Resolved, That the directors of this branch advise a suspension of specie payments in conformity with any suspension of the Virginia banks generally, and that they recommend the payment of small and five dollar notes in coin as heretofore for the purpose of affording the community small change, but not to pay any individual a larger amount than five or ten dollars.

(Signed)
S. PATRICK, *Pres't pro tem.*

CHARLESTON, Ka. November 6, 1839.

At a meeting of the board of directors the following gentlemen were present, viz:
James C. M'Farland, president, John Welch, Wm. R. Cox, S. Patrick.
The board decided that they would receive of parties waiver of protest on all notes that would have been renewable under former usage of the bank and no others.
No discounts were made this day, and the board adjourned.

(Signed)
J. C. M'FARLAND, *Pres't.*

The minutes at all other meetings of the board of directors afford no special acts and are similar to that set forth on the 4th September, here copied, except that the different boards were not always composed of the same directors.

Copied from the minutes 4th September to 1st December.

S. HANNAH, *Cashier*
Branch Bank Virginia Charleston, Ka.

December 24, 1839.

A table is herewith sent taken from the offering-book which forms a part of the minutes.

S. HANNAH, *Cashier.*

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A List of Paper *offered, discounted and rejected from 15th September to 1st December* 1839.

Date of offering.	First class, $1000 and under.	Second class, over $1000 and not exceeding $10000.	Third class, over $10000 & not exceeding $20000.	Amount Discounted.	Amount Rejected.	Total.
1839—Sept. 18, Discounted, -	4711 90	16000 00		20711 90		
" " " Rejected, -	300 00				300 00	21011 90
" " 25, Discounted, -	6770 75	7834 00		14604 75		
" " " Rejected, -	960 00				960 00	15564 75
" Oct. 2, Discounted, -	10197 59	15226 00		25423 59		
" " " Rejected, -	600 00				600 00	26423 59
" " 9, Discounted, -	8401 00	7250 00	18000 00	33651 00		
" " " Rejected, -	275 00				275 00	33926 00
" " 16, Discounted, -	9921 77	19025 00		28946 77		
" " " Rejected, -	1488 24				1488 24	30435 01
" " 23, Discounted, -	7411 63	20081 98		27493 61		
" " " Rejected, -	1100 00				1100 00	28593 61
" " 30, Discounted, -	250 00	3000 00		3250 00		3250 00
" Nov. 4, Discounted, -	100 00			100 00		100 00
" " 15, Discounted, -	500 00			500 00		500 00
" " 20, Discounted, -		4740 00		4740 00		4740 00
" " 27, Discounted, -	1028 00			1028 00		1028 00
				160449 62	4723 24	165172 86
Amount of bills payable out of the state, - - -			24531 40			
Amount of real or business paper, - - - -			54619 22			
				79150 62		
Amount accommodation paper, - - - - - - - -				81299 00		

S. HANNAH, *Cashier*
Branch Bank Virginia, Charleston, K.

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[DOC. No. 21.]

STATEMENTS

OF THE

FARMERS BANK OF VIRGINIA AND BRANCHES,

In reply to a Resolution of the Committee on Banks.

FARMERS BANK OF VIRGINIA,
JANUARY 2d, 1840.

SIR,

I have the honour to enclose a statement prepared by the discount clerk of the bank, and a copy of the minute-book made out by the cashier, in compliance with the resolution of the committee on banks. I also enclose reports made by the offices of discount and deposit at Petersburg, Lynchburg, Norfolk, Fredericksburg and Danville, in pursuance of the resolution. No report has been made by the office at Winchester, but as soon as it is received, I shall have the honour to communicate it.

I have the honour to be,

Very respectfully,

Your obedient servant,

WM. H. MACFARLAND, *Pres't.*

N. E. VENABLE Esq.,
Chairman of the Committee on Banks.

Copy of the Minutes of the Proceedings of the Board of Directors of the Farmers Bank of Virginia from the 15th September to 1st December 1839.

ON THURSDAY, 12th September 1839.

Present—Wm. H. Macfarland, president, J. B. Harvie, Benjamin Hatcher, Wm. H. Hubbard, James Sizer, Samuel Marx, James Bosher, Archibald Pleasants and Henry W. Moncure.

Directors who were present when paper offered by them for discount was called up withdrew from the board until the same was acted on.

(Signed)

WM. H. MACFARLAND, *Pres't.*

(Signed)

J. G. BLAIR, *Cashier.*

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Resolved, That it has become necessary by the course of the banks in Baltimore and Philadelphia, and the unusual demands to which the banks in this city are thereby exposed, for the Bank of Virginia, the Farmers Bank of Virginia and the Exchange Bank of Virginia at Richmond, to suspend specie payments for the present.

(Signed)

JOHN BROCKENBROUGH, *Pres't*
Bank of Virginia.
WM. H. MACFARLAND, *Pres't*
Farmers Bank of Va.
JAMES CASKIE, *Pres't*
Office of D. & D. Exchange Bank of Va.

Whereupon the following resolution was unanimously adopted:

Resolved, That the payment of specie be for the present suspended except in small sums for change, for which purpose coin is to be paid.

(Signed)

WM. H. MACFARLAND, *Pres't.*

(Signed)

J. G. BLAIR, *Cas.*

THURSDAY, 17th October 1839.

Present—William H. Macfarland, president, S. M'Gruder, Arch'd Pleasants, Nicholas Mills, William H. Hubbard, J. B. Harvie, Samuel Marx, James Bosher, Samuel Reeve, James Sizer and Charles Ellis.

Directors present when paper offered by them for discount was called up, withdrew from the board until the same was acted on.

Ordered, That the regular meetings for discounts be at 10 o'clock A. M., until further order.

The president laid before the board the proceedings of a conference of the three bank boards of this city, held on Thursday 15th instant, as follows, viz:

"The president and directors of the Bank of Virginia, of the Farmers Bank of Virginia, and of the office of the Exchange Bank of Virginia at Richmond, assembled in general meeting October the 15th, 1839. The opinions of B. W. Leigh, Chapman Johnson, Conway Robinson and Samuel Taylor, esquires, upon the questions how far the chartered privileges of the banks would be forfeited by the suspension of specie payments, and by what mode the forfeiture and other penalties in such case incurred would have to be exacted and enforced were first read to the meeting.

"The meeting then proceeded to enquire how the business of the banks ought for the present to be conducted, and whether it would be admissible, reference being had to the necessities of the public, to discount to a moderate extent paper that is to be paid at maturity." Whereupon on full consideration it was unanimously

"*Resolved*, That it be recommended to the boards of the several banks not to renew notes heretofore discounted, but to allow the same to remain over in such instances as the parties are unable to pay, and by the usage of the banks were authorized to expect a renewal upon written waiver of demand, notice and protest, and undertaking by the several parties bound to remain liable in default of such demand, protest and notice, or upon the transfer of approved collateral security; but that in such cases as the parties do not make such arrangement, or from absence have not the opportunity of doing so, that the ordinary course by protest of securing debts be adopted; and that to prevent the general and painful embarrassment and discredit which would result from the refusal altogether to discount hereafter, that the discount of approved paper to a moderate extent be continued."

The president also laid before the board the following circular letter addressed by him to the presidents of the several departments of this institution, viz:

FARMERS BANK OF VIRGINIA,
OCTOBER 11th, 1839.

DEAR SIR,

The boards of the three banks of this city held a general meeting yesterday and united in a resolution recommending to the several banks to conform to the course which the meeting considered prudent and proper for the present. Enclosed you have a copy of the proceedings. It is important not to extend the discount line, but to reduce it as far as may be considered prudent and proper. It will be the course of the board here I trust to take all prudent measures to increase the available means of the bank; and in carrying out that policy to be careful to collect as much of the old debt as may be called in, and cautious and circumspect in creating new debts.

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There has not yet occurred at this bank an instance of an actual refusal to pay specie, and we have not heard of any such instance at any of our branches. As public opinion appears to go along with the banks in the resolution to suspend it may be that the bank will not be placed under the necessity of an actual refusal.

We have paid and shall continue to pay fractional parts of checks in specie, and to supply change; and this course we recommend to you. If there be demands made upon us for specie other than for change the resolution of our board requires them to be refused, unless the case be one that justifies an exception to the general rule, and we shall of course therefore protect our specie. Our course in relation to accommodation paper will be that indicated by the resolution above referred to. It is believed to be safe for the present not to renew it, as then no question can be made by that class of debtors as to the right of the bank to discount after a refusal to pay specie. The discount of new paper to a moderate extent would seem to be indispensable to prevent general embarrassment and discredit, and if cautiously done I trust it will not expose the institution to loss.

I am very respectfully,

(Signed)

W. H. MACFARLAND, *President.*

And the board adjourned till to-morrow at 10 o'clock, A. M.

(Signed)

W. H. MACFARLAND, *President.*

(Signed)

J. G. BLAIR, *Cashier.*

A meeting by adjournment on Friday 18th October 1839:

Present—Wm. H. Macfarland, president, Arch'd Pleasants, Nicholas Mills, W. H. Hubbard, J. B. Harvie, S. M'Gruder, James Sizer, Samuel Reeve and James Bosher.

The minutes of this day contain a proposition submitted by a commercial house and the resolution of the board thereupon, and so much thereof is omitted as a copy would disclose the names of the parties, which is not within the resolution of the committee.

(Signed)

W. H. MACFARLAND, *Pres't.*

(Signed)

J. G. BLAIR, *Cas.*

THURSDAY, 24th October 1839.

Present—Wm. H. Macfarland, president, S. M'Gruder, Nicholas Mills, Jas. Bosher, A. Pleasants, C. Ellis, S. Reeve and Jas. Sizer.

Directors who were present when paper offered by them for discount was called up withdrew until the same was acted on.

It being understood that the board of directors of the Bank of Virginia was now in session to consider on the subject of the settlements of demands on the banks by brokers and others, gen'l Harvie was deputed on behalf of this board to inform them that this bank would co-operate with them in such regulations as might be agreed on; and after some time had elapsed Mr. Robert Gwathmey appeared and stated that he was authorized by that bank to propose, if the other two banks would agree thereto, that the cashiers of the three banks of this city should from time to time fix the rate of exchange on northern funds in settlement of such claims, below which neither bank should settle, it being understood that specie was not to be paid on such demands although it might be paid in small sums for change. Which arrangement was agreed to with the understanding that the office of the Exchange Bank of Virginia would do so likewise; and the cashier of this bank was accordingly directed.

(Signed)

WM. H. MACFARLAND, *Pres't.*

(Signed)

J. G. BLAIR, *Cas.*

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THURSDAY, 31st October 1839.

Present—Wm. H. Macfarland, president, Sam'l Marx, Jas. Bosher, Sam'l Reeve, Nich's Mills, J. B. Harvie, A. Pleasants, Sub. M'Gruder, Benjamin Hatcher and James Sizer.

Directors who were present when paper offered by them for discount was called up withdrew from the board until the same was acted on.

(Signed)

WM. H. MACFARLAND, *Pres't.*

(Signed)

J. G. BLAIR, *Cas.*

At a called meeting 2d November 1839:

Present—Wm. H. Macfarland, president, Nich's Mills, Sam'l Reeve, Charles Ellis, James Bosher, A. Pleasants, Wm. H. Hubbard, S. M'Gruder, J. B. Harvie and Samuel Marx.

Mr. Bosher on behalf of the committee appointed to treat for the sale of the house and lot on L street now occupied by Thomas Barham, reported that Ro. A. Payne had offered to purchase the same at the price of $1825, payable $500 annually for three years and the balance in four years, with interest on the whole: Whereupon,

Resolved, That the offer be accepted, provided that notes be taken payable at 60 days with the discount from time to time and the same renewed for the time specified, and that a deed of trust on the property be taken.

The minutes of this day contain a proposition from a manufacturing company, and so much thereof is omitted as a copy would disclose the name of the party, which is not within the resolution of the committee.

(Signed)

WM. H. MACFARLAND, *Pres't.*

(Signed)

J. G. BLAIR, *Cas.*

THURSDAY, 7th November 1839.

Present—Wm. H. Macfarland, president, A. Pleasants, S. M'Gruder, Wm. H. Hubbard, J. B. Harvie, Jas. Bosher, H. W. Moncure, Samuel Marx, James Sizer, Nicholas Mills, Samuel Reeve and Charles Ellis.

Directors who were present when paper offered by them for discount was called up withdrew until the same was acted on.

(Signed)

WM. H. MACFARLAND, *President.*

(Signed)

J. G. BLAIR, *Cashier.*

THURSDAY, 14th November 1839.

Present—Wm. H. Macfarland, president, Nicholas Mills, Wm. H. Hubbard, Sub. M'Gruder, A. Pleasants, H. W. Moncure, J. B. Harvie, Jas. Bosher, James Sizer, Samuel Reeve and Benjamin Hatcher.

Directors who were present when paper offered by them for discount was called up withdrew from the board until the same was acted on.

The board cancelled and burned the following notes, viz:

Of the Office at Fredericksburg.

4—Four notes,	$100	each,	-	400
75—Seventy-five notes,	50	"	-	3750
50—Fifty notes,	30	"	-	1500
900—Nine hundred notes,	10	"	-	9000
857—Eight hundred and fifty-seven,	5	"	-	4285
3—Three notes,	9	"	-	27
13—Thirteen notes,	8	"	-	104
9—Nine notes,	7	"	-	63
10—Ten notes,	6	"	-	60
1921 notes—Nineteen thousand one hundred and eighty-nine dollars,				$19,189

Mr. Mills on behalf of the monthly committee made a report of the cash on hand in the possession of the cashier and the tellers.

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The minutes of this day contain a reference to an individual and the resolution of the board thereupon, and so much thereof is omitted, as a copy would disclose the name of the party, which is not within the resolution of the committee.

(Signed)

WM. H. MACFARLAND, *President.*

(Signed)

J. G. BLAIR, *Cashier.*

THURSDAY, 21st November 1839.

Present—Wm. H. Macfarland, president, H. W. Moncure, James Bosher, Wm. H. Hubbard, S. M'Gruder, A. Pleasants, Nicholas Mills, Samuel Reeve, James Sizer, Samuel Marx and J. B. Harvie.

Directors who were present when paper offered by them for discount was called up withdrew from the board until the same was acted on.

(Signed)

WM. H. MACFARLAND, *President.*

(Signed)

J. G. BLAIR, *Cashier.*

THURSDAY, 28th November 1839.

Present—Wm. H. Macfarland, president, H. W. Moncure, Orrin Williams, S. M'Gruder, Wm. H. Hubbard, James Bosher, Samuel Marx, Samuel Reeve, A. Pleasants, James Sizer, N. Mills, C. Ellis, B. Hatcher and J. B. Harvie.

Directors who were present when paper offered by them for discount was called up withdrew from the board until the same was acted on.

The minutes of this day contain propositions submitted by individuals, and so much thereof is omitted, as a copy would disclose the names of the parties, which is not within the resolution of the committee.

Sundry sealed packages of mother bank notes were presented to the board as unfit for circulation in order that they might be cancelled, and the board appointed a committee to perform that duty consisting of Mr. Williams, Mr. Bosher, Mr. Pleasants, Mr. Mills and any other members of the board who could attend to-morrow at 10 o'clock.

(Signed)

WM. H. MACFARLAND, *President.*

(Signed)

J. G. BLAIR, *Cashier.*

Meeting of the committee on Friday 29th November 1839:
Present—O. Williams, James Bosher, S. Marx and Samuel Reeve.
The following notes were cancelled and burned, viz:

Of the Mother Bank.

7421—Seven thousand four hundred and twenty-one notes of	$1	new emission,		7,421
1—One note, - - -	1	old	do.	1
1830—Eighteen hundred and thirty notes, -	2	new emission,		3,660
5—Five notes, - - -	2	old	do.	10
3115—Three thousand one hundred and fifteen notes,	5		-	15,575
204—Two hundred and four notes,	6		-	1,224
235—Two hundred and thirty-five notes, -	7		-	1,645
167—One hundred and sixty-seven notes, -	8		-	1,336
69—Sixty-nine notes, - -	9		-	621
2219—Two thousand two hundred and nineteen notes,	10		-	22,190
432—Four hundred and thirty-two notes,	30		-	12,960
538—Five hundred and thirty-eight notes, -	50		-	26,900
30—Thirty notes, - - -	100		-	3,000
16,266 notes—Ninety-six thousand five hundred and forty-three dollars,				$96,543

During the counting Mr. Marx had leave of absence, and Mr. Sizer attended.

(Signed)

O. WILLIAMS.

(Signed)

J. G. BLAIR, *Cashier.*

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[Doc. No. 21.]

STATEMENT *shewing the amount of paper offered, Rejected and Discounted at the Farmers Bank of Virginia under their respective classes, from* 19*th September to* 28*th November* 1839, *inclusive, and the amount of accommodation paper.*

Date.	Class No. 1.			Class No. 2.			Class No. 3.					
1839.	Offered.	Rejected.	Discounted	Offered.	Rejected.	Discounted.	Offered.	Rejected.	Discounted.	Total Discount.	Accommodation	Business.
Sep. 19,	37221 69	3925 62	33296 07	175830 50	34050 35	141780 15	141350 00	-	141350 00	316426 22	175440 00	120986 22
" 26,	32958 94	7211 95	25746 99	135929 41	29013 78	106915 63	11500 00	-	11500 00	144162 62	72800 00	71362 62
Oct. 3,	57335 02	17477 90	39857 12	169724 81	38596 77	131128 04	-	-	-	170985 16	62522 07	108463 09
" 10,	29831 24	10331 45	19499 79	187943 47	45362 06	142581 41	25400 00	-	25400 00	187481 20	85000 00	102481 20
" 17,	33009 42	14898 37	18111 05	115288 08	58172 41	57115 67	70000 00	45000 00	25000 00	100226 72	-	100226 72
" 24,	31281 47	9392 10	21889 37	93901 93	30850 88	63051 05	-	-	-	84940 42	-	84940 42
" 31,	33119 84	11660 05	21459 79	81880 67	36830 74	45049 93	-	-	-	66509 72	-	66509 72
Nov. 7,	25192 82	9137 38	16055 44	144969 89	59147 31	85822 58	-	-	-	101878 02	-	101878 02
" 14,	33693 57	8871 28	24822 29	98835 63	38151 27	60684 36	-	-	-	85506 65	-	85506 65
" 21,	29237 59	12495 18	16832 41	101869 46	31956 78	69912 68	-	-	-	86745 09	-	86745 09
" 28,	35857 68	12806 57	23051 11	87596 02	31980 53	55615 49	-	-	-	78666 60	-	78666 60
	378829 28	118207 85	260621 43	1393769 87	434112 88	959656 99	248250 00	45000 00	203250 00	1423528 42	415762 07	1007766 35

RECAPITULATION.

Total offered.	Total Rejected.	Total Discounted.	Amount accommodation debt.
2,020,849 15	597,320 73	1,423,528 42	820,427 56

The foregoing statement includes drafts as well as notes. For the most part the drafts offered for discount were drawn on points out of the state. Chiefly on cities to the north and east, and from their amounts came within Class No. 2. The amount offered for in Class No. 2 was increased thereby, as also the amount discounted in that Class. The accommodation notes were not renewed after the suspension, but proper steps being taken to fix the liability of all the parties, were allowed to lay over subject to the future order of the board.

RO. A. PAYNE, *Discount Clerk.*

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FARMERS BANK OF VIRGINIA—BRANCH AT PETERSBURG.

Copy of the Minutes of the Board of Directors of the Branch of the Farmers Bank of Virginia at Petersburg, from the 15th of September to the 1st of December last.

At a board of directors, Tuesday 17th September 1839:
Present—Wm. Robertson, president, S. G. Wells, P. C. Osborne, R. C. Egerton, John Dunn, Jos. D. White, Henry Dugger, S. Mordecai, Wm. Corling.
After discounting the paper marked A. the board adjourned.

WM. CLARKE, *Cash'r.*

At a board of directors, Tuesday 24th September 1839:
Present—S. Mordecai, president *pro tem.*, H. Dugger, P. C. Osborne, S. G. Wells, R. C. Egerton, William Corling, Jos. D. White.
After discounting the paper marked A. the board adjourned.

WM. CLARKE, *Cash'r.*

At a board of directors, Tuesday 1st October 1839:
Present—Wm. Robertson, president, S. Mordecai, P. C. Osborne, Wm. Corling, Jos. D. White, John V. Willcox, John Dunn, R. C. Egerton, Rob. B. Bolling, S. G. Wells.
After discounting the paper marked A. the board adjourned.

WM. CLARKE, *Cash'r.*

At a board of directors, Tuesday 8th October 1839:
Present—Wm. Robertson, president, H. Dugger, P. C. Osborne, J. V. Willcox, Jos. D. White, R. C. Egerton, Wm. Corling, John Dunn, S. G. Wells, R. B. Bolling.
After discounting the paper marked A. the board adjourned.

WM. CLARKE, *Cash'r.*

At a board of directors, Tuesday 15th October 1839:
Present—Wm. Robertson, president, R. C. Egerton, S. G. Wells, Wm. Corling, R. B. Bolling, H. Dugger, P. C. Osborne, John Dunn, J. V. Willcox, J. D. White, S. Mordecai, T. Whitworth.
Resolved as the opinion of this board, That in consequence of advice from the president of the Farmers Bank in Richmond, this board feel it to be their duty to decline all discounts for the present. The notes due to this bank to-day must therefore be protested unless the endorsers will enter into obligation to waive protest and notice of the same.
Being informed by their cashier that he had under authority vested in him discounted several days ago seven drafts on the north, which now appear on the discount-book and is hereby confirmed.
The board then adjourned.

WM. CLARKE, *Cash'r.*

At a board of directors, Tuesday 22d October 1839:
Present—Wm. Robertson, president, R. C. Egerton, T. Whitworth, P. C. Osborne, H. Dugger, J. D. White, John Dunn, S. G. Wells, J. V. Willcox, S. Mordecai, Wm. Corling.
After discounting the paper marked A. the board adjourned.

WM. CLARKE, *Cash'r.*

At a board of directors, Tuesday 29th October 1839:
Present—P. C. Osborne, president *p. t.*, R. C. Egerton, John Dunn, T. Whitworth, H. Dugger, S. Mordecai, Wm. Corling.
After discounting the paper marked A. the board adjourned.

WM. CLARKE, *Cash'r.*

At a board of directors, 5th November 1839:
Present—Wm. Robertson, president, J. D. White, R. C. Egerton, Wm. Corling, H. Dugger, P. C. Osborne, S. Mordecai.
After discounting the paper marked A. the board adjourned.

WM. CLARKE, *Cash'r.*

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At a board of directors, Tuesday 12th November 1839:

Present—Wm. Robertson, president, Jos. D. White, R. B. Bolling, R. C. Egerton, H. Dugger, Wm. Corling, S. Mordecai, P. C. Osborne.

Mr. Mordecai, Mr. Osborne and Mr. White are appointed a committee to count the specie and notes in this bank and report.

The board then proceeded to elect a teller to fill the vacancy occasioned by the death of the late Samuel D. Davies; whereupon Andrew S. Holderby was duly elected to that office.

After discounting the paper marked A. the board adjourned.

WM. CLARKE, *Cash'r.*

We certify that we have this day counted the specie and notes in this bank and find the same correct and corresponding with the books of the said bank. Given under our hands 14th November 1839.

N. B. The amount over in the teller's hands is $ 122 05, and excess in gold $ 38.

(Signed)

SAML. MORDECAI,
JOS. D. WHITE,
P. C. OSBORNE.

At a board of directors, Tuesday 19th November 1839:

Present—Wm. Robertson, president, R. C. Egerton, John Dunn, J. V. Willcox, P. C. Osborne, S. Mordecai.

The board of directors have reviewed the official bonds of the officers of this bank, and are of opinion that the security given by the cashier and accomptant are sufficient, that the security heretofore given by the discount clerk and runner are now deemed to be insufficient, and therefore additional security is required of them.

A. S. Holderby's bond as teller of this bank was this day presented with Hugh Nelson and Wm. J. Dupuy as his securities, which was approved by the board.

After discounting the paper marked A. the board adjourned.

WM. ROBERTSON, *Pres'nt.*

WM. CLARKE, *Cash'r.*

At a board of directors, Tuesday 26th November 1839:

Present—S. Mordecai, president *pro tem.*, J. V. Willcox, Jos. D. White, Rob. B. Bolling, R. C. Egerton, Wm. Corling, Jno. Dunn.

The following preamble and resolution was then submitted to the board:

"The board of directors of the office of discount and deposit of the Farmers Bank of Virginia at Petersburg feel most sensibly the loss which this institution and the community generally have sustained in the death of Sam'l D. Davies, who for many years filled a most responsible station in this institution, in which he displayed entire probity and strict attention to his duties, to the satisfaction of this board and of all who had transactions with the bank, but much more sensibly does this board feel for the privation sustained by the widow and numerous children of the deceased, who were in a great measure dependent on him, and whose conduct was as irreproachable in his domestic relations as in the performance of his official duties:

Resolved therefore, That this board through their president tender to the widow and family of Sam'l D. Davies this expression of their sympathy to the esta. as a token of their approbation of her deceased husband, which sum shall be applied to the reduction of the debt of the deceased to this bank.

After discounting the paper marked A. the board adjourned.

E. H. Moseley's bond as runner and porter of this bank was this day presented to the board with Alfred Wherry, W. Hawthorn and L. F. Hicks as his securities, which was approved.

W. CLARKE, *Cashier.*

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STATEMENT *of Discounts Farmers Branch Bank of Va., Petersburg, from 15th September 1839 to 1st December 1839.*

		Offered.	*Discounted.*	*Rejected.*	
1839—September 17—Accommodation,	-	26215 00	24465 00	1750 00	
Real paper,	-				
Bills of exchange,	-	12982 90	8000 00	4982 90	
		39197 90	32465 00	6732 90	
" 24—Accommodation,	-	33950 00	33950 00		
Real paper,	-	14015 43	2610 75	11404 68	
Bills of exchange,	-	17221 45	16221 45	1000 00	
		65186 88	52782 20	12404 68	
October 1—Accommodation,	-	36420 00	36420 00		
Real paper,	-	10425 33	6331 95	4093 38	
Bills of exchange,	-	6505 81	4221 16	2284 65	
		53351 14	46973 11	6378 03	
" 8—Accommodation,	-	31445 00	29845 00	1600 00	
Real paper,	-	16165 58	6077 99	10087 59	
Bills of exchange,	-	15364 05	15221 92	142 13	
		62974 63	51144 91	11829 72	
" 15—Accommodation,	-	16200 00	-	16200 00	Waivered, &c.
Real paper,	-	24664 19	-	24664 19	
Bills of exchange,	-	27444 80	15500 00	11944 80	
		68308 99	15500 00	52808 99	
" 22—Accommodation,	-	25320 00	-	25320 00	Waivered, &c.
Real paper,	-	11306 49	1570 19	9736 30	
Bills of exchange,	-	14647 43	1484 02	13163 41	
		51273 92	3054 21	48219 71	
" 29—Accommodation,	-	35990 00	-	35990 00	Waivered.
Real paper,	-	5749 10	2749 10	3000 00	
Bills of exchange,	-	4154 07	3499 07	655 00	
		45893 17	6248 17	39645 00	
November 5—Accommodation,	-	24430 00	-	24430 00	Waivered.
Real paper,	-	3331 00	-	3331 00	
Bills of exchange,	-	4178 60	1561 80	2616 80	
		31939 60	1561 80	30377 80	
" 12—Accommodation,	-	19982 00	1050 00	18832 00	Waivered.
Real paper,	-				
Bills of exchange,	-	1250 00	-	1250 00	
		21232 00	1050 00	20082 00	
" 19—Accommodation,	-	25315 00	-	25315 00	Waivered.
Real paper,	-	14479 22	1000 00	13479 22	
Bills of exchange,	-	4116 80	2000 00	2116 80	
		43911 02	3000 00	40911 02	
" 26—Accommodation,	-	32390 00	-	32390 00	Waivered.
Real paper,	-	9026 17	7602 84	1423 33	
Bills of exchange,	-	5279 78	3061 98	2217 80	
		46695 95	10664 82	36031 13	

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FARMERS BANK OF VIRGINIA—BRANCH AT NORFOLK.

OFFICE FARMERS BANK OF VIRGINIA,
NORFOLK, December 23d, 1839.

The following are copies from the minutes of the board of this office from the 19th September to the 28th November, 1839, furnished at the requisition of the committee on banks.

H. WOODIS, *Cashier.*

1839—September 19th—At a meeting of the board on Thursday the 19th September 1839:

There were offered,	-	44,523 37	
rejected,	-	11,087 68	
discounted,	-	$ 33,435 69	
Domestic bills purchased from 12th to 19th instant,			$ 1185

September 26th—At a meeting of the board on Thursday 26th September 1839:

There were offered,	-	45,224 90	
rejected,	-	19,107 17	
discounted,	-	$ 26,117 73	
Domestic bills purchased from 19th to 26th instant,			$ 400

October 3d—At a meeting of the board on Thursday 3d October 1839:

There were offered,	-	61,558 78	
rejected,	-	14,920 10	
		$ 46,638 68	
Domestic bills purchased from 26th ult. to 3d instant,			$ 6412

October 10th—At a meeting of the board on Thursday 10th October 1839:

There were offered,	-	49,524 22	
rejected,	-	9,318 54	
		$ 40,205 68	
Domestic bills purchased from 3d to 10th instant,			$ 500

October 11th—At a special meeting of the board on Friday 11th October 1839:

Messrs. Capron, Chamberlaine and Soutter were appointed a committee to confer with committees appointed by the other banks in this place, in relation to intelligence received this morning of the suspension of specie payments by the banks of Philadelphia and Baltimore. On the return and report of which committee, the following resolution was submitted:

Whereas authentic information has reached us that the banks in our neighbouring cities have been forced by considerations of prudence to suspend specie payments—

Resolved, That a due regard for our protection imperiously requires that we should follow the example and suspend the redemption of our notes, and the payment of our deposits except in the current bank notes of the day. Whereupon the question upon the adoption of the same was taken by ayes and noes, and resulted as follows—ayes 7, noes 4.

October 17th—At a meeting of the board on Thursday 17th October 1839:

The discounted notes due on this day and until the 24th instant being submitted to the board, it was

Ordered, That until other instructions be received from the mother bank those contained in a letter of the late James Rawlings esq., dated on the 16th May 1837, at that time president of the Farmers Bank of Virginia, be adopted by the board, and applied by the cashier in all cases within their purview.

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October 24th—At a meeting of the board on Thursday 24th October 1839:
A letter from W. H. Macfarland esq., president of the parent bank, was read to the board. Whereupon on motion, that the course recommended by the parent bank be adopted for the government of this office, it was decided in the affirmative, ayes 10.

October 31st—At a meeting of the board on Thursday the 31st October 1839:
The discounted paper due on this day and until the 6th proximo (inclusive) being submitted to the board, it was
Ordered, That the rules recommended by the parent bank and adopted by the board at its last meeting be applied by the cashier to the cases coming within their purview respectively.

November 7th—At a meeting of the board on Thursday November 7th, 1839:
The discounted paper due on this day and until the 13th inst. (inclusive) were submitted to the board, and the previous order directed to be applied thereto.

November 14—At a meeting of the board on Thursday 14th November 1839:
The order of the 31st October was directed to be applied to the discounted paper due on this day and until the 20th instant inclusive.

November 21—At a meeting of the board on Thursday 21st November 1839:
The order of the 31st October was directed to be applied to the discounted paper due on this day and until the 27th instant inclusive.

November 28—At a meeting of the board on Thursday 28th November 1839:
The order of the 31st October was directed to be applied to the discounted paper due on this day and until the 4th proximo inclusive.

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The following Statement is furnished at the requisition of the Committee on Banks of the 12th December 1839.

From Sept. 12 to 19—Amount offered, - -	1,185 00		
Do. rejected, - -		1,080 00	Exchange committee.
19—Amount offered, - -	44,523 37		
Do. rejected, - -	11,087 68		
Accommodation $24,438 03,		33,435 69	Board.
Rejected there were of 1000 and under,	5,946 64		
over 1000,	5,141 04		
From Sept. 19 to 26—Amount offered, - -	500 00		
Do. rejected, - -		400 00	Exchange committee.
26—Amount offered, - -	45,224 90		
Do. rejected, - -	19,107 17		
Accommodation $17,632 44,		26,117 73	Board.
Rejected there were of 1000 and under,	11,697 42		
over 1000,	7,409 75		
Sept. 26 to Oct. 3—Amount offered, - -	9,291 90		
Do. rejected, - -	2,879 90		
		6,412 00	Exchange committee.
Rejected there were of 1000 and under,	00 00		
over 1000,	2,879 90		
Oct. 3—Amount offered - -	61,558 78		
Do. rejected, - -	14,920 10		
Accommodation $35,578 00,		46,638 68	Board.
Rejected there were of 1000 and under,	8,838 65		
over 1000,	6,081 45		
Oct. 3 to 10—Amount offered, - -	3,255 57		
Do. rejected, - -	2,755 57		
		500 00	Exchange committee.
Rejected there were of 1000 and under,	187 84		
over 1000,	2,567 73		
Oct. 10—Amount offered, - -	49,524 22		
Do. rejected, - -	9,318 54		
Accommodation $33,614 83,		40,205 68	Board.
Rejected there were of 1000 and under,	8,030 64		
over 1000,	1,287 90		

No discounts were granted between the 11th October and 19th December.

H. WOODIS, *Cas.*

Office Farmers Bank of Virginia,
NORFOLK, 23d December 1839.

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FARMERS BANK OF VIRGINIA—BRANCH AT FREDERICKSBURG.

At a meeting of the committee on banks December 12, 1839:

"*Resolved*, That the president and cashier of the several banks of this state and the different branches thereof be required to furnish to this committee a copy of their respective minute books or journals from the fifteenth day of September to the first day of December last, shewing all the proceedings of their respective boards, the amount of notes or bills offered for discount in each of the classes required by law to be made, and the amount discounted and rejected in each; the amount of debts due in the form of accommodation notes; the amount of notes and bills which had been discounted and renewed in the same form; and the amount of what is called real or business paper discounted and rejected; but without disclosing the names of the offerers, endorsers or makers of such bills or notes."

In compliance with the above resolution of the committee on banks, the cashier of the Farmers Branch Bank at Fredericksburg has the honour to report the following statement which embraces all the information called for by said resolution:

[No. 1.]

Copy of minute-book or journal from the 11th of September 1839 to the 4th of December 1839, inclusive.

At a meeting of the directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg, on Wednesday the 11th day of September 1839:

Present—George Hamilton, Stephen J. Blaydes, John Hart, Peter Goolrick, John M. Herndon, John H. Wallace, William C. Beale, Duff Green, Thomas H. Botts, John Gray, Anthony Buck.

George Hamilton esq. was appointed president *pro tempore.*

The cashier was directed to notify G. Johnston that unless his protested note was put on a more satisfactory footing that suit would be instituted thereon.

Thomas J. Berry and Benjamin R. Hillyard were directed to pay their respective notes discounted on this day when they become due again. The deed given by Benjamin Blackford & Son to secure their note for $10,000 due this office, was read, approved and ordered to be recorded, provided the Bank of Virginia concurred therein.

Offered, $61,841 52.
Discounted, 59,038 98.

The board then adjourned.

GEORGE HAMILTON, *Pres't pro tem.*

HUGH M. PATTON, *Cash'r.*

At a meeting of the directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg, on Wednesday the 18th day of September 1839:

Present—Thomas H. Botts, George Hamilton, John Gray, John J. Berrey, Peter Goolrick, John H. Wallace, Stephen J. Blaydes, Anthony Buck, John M. Herndon.

Thomas H. Botts esq. was appointed president *pro tempore.*

The board agreed to discount John F. Taliaferro's note endorsed by Robert T. Willis and Benjamin F. Taliaferro for $2500, and continue the same as accommodation paper, provided the same was applied to the discharge of Francis W. Taliaferro's note for a like amount endorsed by William C. Willis.

The cashier was directed to notify Mann A. Page that his note for $1000 must be curtailed $500 when due again, and that the remaining $500 would be expected sixty days thereafter.

John C. Hansbrough was directed to be notified that an additional responsible name would be required on his note when due again, or payment would be expected.

Offered, $86,568 58.
Discounted, 81,719 12.

The board then adjourned.

THOS. H. BOTTS, *Pr. p. t.*

HUGH M. PATTON, *Cash'r.*

At a meeting of the directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg, on Wednesday the 25th day of September 1839:

Present—George Hamilton, Duff Green, Stephen J. Blaydes, John Hart, John M. Herndon, Peter Goolrick, John H. Wallace, Anthony Buck, John J. Berrey, John Gray, Thomas H. Botts, William C. Beale.

George Hamilton esq. was appointed president *pro tempore.*

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The cashier was directed to notify John T. Baggott that his note for $300 must be paid when due again. Also Benj. Johnson's note for $500. Curtails were ordered on Cudden Davis's and E. & J. Latham's notes of $100 each note every sixty days.

Offered, $64,999 83.
Discounted, 63,068 12.

The board then adjourned.

GEORGE HAMILTON, *Pres't pro tem.*

HUGH M. PATTON, *Cash'r.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday the 2d of October 1839:

Present—C. L. Stevenson, president, John H. Wallace, George Hamilton, John Hart, William C. Beale, Duff Green, Stephen J. Blaydes, John Gray.

Curtails were ordered on the following debts:

On Charles Mason's note,	-	-	-	$500
Norborne E. Sutton's note,	-	-	-	500
John Holladay's note,	-	-	-	400
John H. Lee's note,	-	-	-	500
Alex'r Henderson's note,	-	-	-	100

The cashier was directed to notify the parties accordingly.

Offered, $65,607 23
Discounted, 59,916 66

The board then adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cash'r.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday the 9th of October 1839:

Present—C. L. Stevenson, president, John Gray, George Hamilton, John Hart, Duff Green, John M. Herndon, John J. Berrey, Stephen J. Blaydes, Peter Goolrick, William C. Beale, Anthony Buck.

Curtails were ordered on the following debts:

Mildred Buckner's debt of	-	-	-	$450
Edward E. Cooke's debt of	-	-	-	500
Thomas R. Ditty's debt of	-	-	-	250
Ja's M. Sthreshley's debt of	-	-	-	250
John T. Tucker's debt of	-	-	-	450
Francis C. Fitzhugh's debt of	-	-	-	380

The cashier was directed to notify the parties accordingly.

Offered, $41,078 38
Discounted, 41,078 38

The board then adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cash'r.*

At a special meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Saturday the 12th day of October 1839:

Present—Carter L. Stevenson, president, George Hamilton, Thomas H. Botts, John H. Wallace, John M. Herndon, Stephen J. Blaydes, Anthony Buck, Peter Goolrick, John J. Berrey, John Hart, William C. Beale.

The president laid before the board the following communication from the mother bank:

"FARMERS BANK OF VA.
RICHMOND, Oct. 11th, 1839.

"DEAR SIR,

"I am under the painful necessity of informing you that this bank along with the Bank of Virginia and Exchange Bank at this place have deemed it necessary for the present to suspend specie payments.

"This measure has been forced upon them by the course of the banks of Baltimore and Philadelphia, where they suspended yesterday, and the unusual demands to which the banks here have been thereby exposed. Your office must be under the necessity of coming to a similar resolution.

I am, very respectfully,
Your ob't serv't,

WILL. H. MACFARLAND, *President.*
Per J. A. SMITH."

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After considerable discussion upon the contents of the above letter, the board adopted the following resolutions:

Resolved, That this branch of the Farmers Bank will go along with the parent institution in suspending specie payments for the present.

Resolved, That the cashier be authorized to pay out small sums for the purposes of change, at his discretion, until otherwise ordered by this board.

CARTER L. STEVENSON, *President.*

Teste,

HUGH M. PATTON, *Cash'r.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday the 16th of October 1839:

Present—Carter L. Stevenson, president, Will. C. Beale, John Gray, Peter Goolrick, Anthony Buck, John J. Berrey, Duff Green, John M. Herndon, John H. Wallace, Stephen J. Blaydes, John Hart, Thomas H. Botts.

The president laid before the board a letter from the president of the Farmers Bank of Virginia, which was read, ordered to be entered on the minutes, and is as follows:

"FARMERS BANK OF VIRGINIA,
OCTOBER 15, 1839.

"DEAR SIR,

"There was held to-day a meeting of the boards of this bank, the Bank of Virginia and of the Exchange Bank, in order to have read the opinions of Mr. Leigh and others, and to decide upon some course in which they might severally concur. The opinions of the gentlemen consulted did not agree in some particulars.

"Mr. Johnson and others are of opinion that individuals cannot charge the bank with the penalties that attach to the transactions of banking business after suspension until there has been a sentence of forfeiture in a prosecution in the name of the public with a view to forfeit the charter, and therefore that no debtor of the bank can resist the suit of the bank by alleging a forfeiture until there has been such a sentence. Mr. Leigh dissents from that opinion, and thinks the bank may incur the risks of losing new debts created by discounting since the suspension.

"The meeting decided it was prudent not to renew any note heretofore discounted, but that all such notes should be protested, or that the parties should execute a writing waiving demand, protest and notice, and undertaking to be responsible for its payment, or that approved collateral security should be given. And the meeting decided further that it was prudent to go on to discount approved business paper to a moderate extent so as to relieve the pressing demands of the community. I regard it to be important to reduce the line of discounts so far as a just regard to the necessities of the public will allow, and by no means to increase the outstanding debt. This, I hope, will be the resolution of the board here. It is our purpose to supply change, and that I hope will be the course of the whole institution.

In great haste,
I am, dear sir,
Very respectfully yours,

WILL. H. MACFARLAND, *President.*"

A motion was made and seconded after discussion that this board will concur in the determination of the banks in Richmond to continue to discount approved business paper to a moderate extent for the purpose of giving some relief to the community.

Upon this question the yeas and nays were demanded and taken as follows:

For the motion—C. L. Stevenson, president, Will. C. Beale, John Gray, Peter Goolrick, John J. Berrey, Duff Green, John M. Herndon, Stephen J. Blaydes, John Hart.

Against the motion—Anthony Buck, John H. Wallace, Thomas H. Botts.

Curtails were ordered on the following debts:

Will. H. Buckner's note for - - -	$350
H. J. Forbes's note for - - -	100
Robert O. Grayson's note for - - -	2000
John W. Hungerford's note for - - -	350
Conway C. Macon's note for - - -	500
E. R. Sherman's note for - - -	100
James B. Thornton's note for - - -	250

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William M. Blackford was called upon to give an additional endorser on his note for $1016 when it becomes due in December next.

The cashier was directed to notify the parties accordingly.

Offered, $54,047 19
Discounted, 4,889 39

The board then adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday the 23d day of October 1839:

Present—C. L. Stevenson, president, George Hamilton, Thomas H. Botts, Anthony Buck, John Hart, John H. Wallace, John Gray, Stephen J. Blaydes, Peter Goolrick, Duff Green, William C. Beale.

The president laid before the board of directors the official proceedings of the three banks at Richmond, which was read and ordered to be entered on the minutes.

"The president and directors of the Bank of Virginia, the Farmers Bank of Virginia, and of the Exchange Bank of Virginia at Richmond, assembled in general meeting October 15th, 1839.

"The opinions of B. W. Leigh, Chapman Johnson, Conway Robinson and Samuel Taylor, upon the questions how far the chartered privileges of the banks would be forfeited by the suspension of specie payments, and by what mode the forfeiture and other penalties in such cases incurred would have to be exacted and enforced were first read to the meeting.

"The meeting then proceeded to enquire how the business of the banks ought for the present to be conducted, and whether it would be admissible, reference being had to the necessities of the public, to discount to a moderate extent paper that is to be paid at maturity. Whereupon on full consideration it was unanimously

"*Resolved*, That it be recommended to the boards of the several banks not to renew notes heretofore discounted, but to allow the same to remain over in such instances as the parties are unable to pay, and by the usage of the banks were authorized to expect a renewal upon written waiver of demand, notice and protest, and undertaking by the several parties bound to remain liable in default of such demand, protest and notice, or upon the transfer of approved collateral security; but that in such cases as the parties do not make such arrangements, or from absence have not the opportunity of doing so, that the ordinary course by protest of securing debts be adopted; and that to prevent the general and painful embarrassment and discredit which would result from the refusal altogether to discount hereafter, that the discount of approved paper to a moderate extent be authorized."

Curtails were ordered on William Bell's, Thomas Rowe's and Gulielmus Smith's debts.

Offered, $12,904 55
Discounted, 9,420 95

The board then adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cash'r.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg the 30th day of October 1839:

Present—C. L. Stevenson, president, Thomas H. Botts, John Gray, Will. C. Beale, Anthony Buck, John M. Herndon, Duff Green, Stephen J. Blaydes, Peter Goolrick, John Hart.

A. M. Green and Gulielmus Smith were called upon to pay their respective notes when due again on the 1st day of January next.

A. M. Green, endorsed by	T. Green,	-	$345
Gul. Smith, "	F. Johnston,	-	200

Offered, $13,186 78
Discounted, 9,086 78

There being no further business for the consideration of the board they adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cash'r.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday the 6th day of November 1839:

Present—Carter L. Stevenson, president, John Gray, Will. C. Beale, Anthony Buck, John M. Herndon, John H. Wallace, Duff Green, Peter Goolrick, Stephen J. Blaydes, George Hamilton.

A curtail of five hundred dollars was required on John Chrisman's note of $1500 when the same becomes due on the 5–8 of January next.

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The cashier was directed to notify James Ross that a curtail of $5000 would be required on his note when it became due on the 5–8 January, and that unless this requisition was complied with on his part that his debt to this office would not be continued.

Offered, $11,902 62.
Discounted, 10,305 78.

There being no further business for the consideration of the board, they adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cash'r.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday November 13th, 1839:

Present—Carter L. Stevenson, president, George Hamilton, John Gray, Will. C. Beale, John Hart, Duff Green, Stephen J. Blaydes, Peter Goolrick.

Curtails were ordered on the following debts:

Robert O. Grayson's note for - - - -	$1100
Edgar Doore's note for - - - -	200
Benj. R. Hillyard's note for - - - -	200

The cashier was directed to notify the parties accordingly.

Offered, $17,259 27.
Discounted, 17,082 27.

There being no further business, the board adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cash'r.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday the 20th day of November 1839:

Present—C. L. Stevenson, president, George Hamilton, John H. Wallace, Anthony Buck, John J. Berrey, John Hart, Duff Green, Stephen J. Blaydes, Will. C. Beale, John Gray, Peter Goolrick.

The cashier laid before the board a letter from John G. Blair esq., cashier of the Farmers Bank of Virginia, acknowledging the receipt of $19,189 of the notes of this office which had been forwarded to be cancelled; they consisted of notes of the following denominations: (See letter-book of the 6th November 1839.)

4 - - -	100 -	is -	400
75 - - -	50 -	" -	3750
50 - - -	30 -	" -	1500
900 - - -	10 -	" -	9000
857 - - -	5 -	" -	4285
3 - - -	9 -	" -	27
13 - - -	8 -	" -	104
9 - - -	7 -	" -	63
10 - - -	6 -	" -	60
	Total cancelled, -	$19189

The cashier also laid before the board an instrument of writing signed and executed by William K. Smith, binding himself to make and execute a full and complete title to certain real estate therein described, more completely to secure his liabilities to the office of discount and deposit of the Bank of Virginia and the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg. Upon consideration whereof it was unanimously deemed expedient for the present to accept the same on thepart of this office until a more formal and minute conveyance could be made.

Offered, $19,697 68
Discounted, 12,784 68

There being no further business for the consideration of the board, they adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cash'r.*

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At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday the 27th day of November 1839:

Present—Carter L. Stevenson, president, John Gray, George Hamilton, William C. Beale, John Hart, John M. Herndon, Stephen J. Blades, John H. Wallace, Peter Goolrick.

The board agreed to lend William Morson one thousand dollars or more on a pledge of stock.

Offered, $10,982 21
Discounted, 10,982 21

There being no further business for the consideration of the board, after the transaction of the ordinary business they adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cashier.*

At a meeting of the president and directors of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg on Wednesday the 4th day of December 1839:

Present—Carter L. Stevenson, president, John H. Wallace, Will. C. Beale, John Hart, John M. Herndon, Peter Goolrick, Stephen J. Blaydes, Thomas H. Botts, John J. Berrey.

William T. Buck having stated that he was unable to meet the drafts which he had drawn on John H. Smith, and discounted heretofore by this office, and made the following proposition to secure his whole debt to this bank, viz: He would execute his note for $3500 endorsed by Anthony Buck and John Buck, and give a deed of trust upon property to be approved of by the board of directors, as additional security for the payment of the said debt. The board upon motion unanimously agreed to the said proposition, but preferred that the arrangement should not be made until we were restored to our corporate privileges by the legislature.

Offered, $10,825 40
Discounted, 10,825 40

There being no further business the board adjourned.

CARTER L. STEVENSON, *President.*

HUGH M. PATTON, *Cashier.*

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[No. 2.]

A STATEMENT *of amount of Notes and Bills offered for Discount at the Farmers Bank of Virginia at Fredericksburg, in each of the classes required by law, from the* 18*th of September to* 4*th December* 1839, *inclusive.*

Date of offering.	1st class, $1000 and under.	2d class, over $1000 and under $10000.	3d class, over $10000 and under $50000.	Total Discounted.	Total Rejected.	Total offered.
1839.						
September 18,	32928 58	53600 00	-	81719 12		
Rejected,	1849 46	3000 00	-	-	4849 46	86568 58
" 25,	24353 73	40646 10	-	63068 12		
Rejected,	1931 71	-	-	-	1931 71	64999 83
October 2,	24766 23	40841 00	-	59916 66		
Rejected,	2690 57	3000 00	-	-	5690 57	65607 23
" 9,	20812 48	20265 90	-	41078 38	-	41078 38
Rejected,						
" 16,	606 99	4282 40	-	4889 39		
Rejected,	12361 80	36796 00	-	-	49157 80	54047 19
" 23,	6304 55	6600 00	-	9420 95		
Rejected,	1383 60	2100 00	-	-	3483 60	12904 55
" 30,	4686 78	8500 00	-	9086 78		
Rejected,	2100 00	2000 00	-	-	4100 00	13186 78
November 6,	4702 62	7200 00	-	10305 78		
Rejected,	1596 84	-	-	-	1596 84	11902 62
" 13,	5859 27	11400 00	-	17082 27		
Rejected,	177 00	-	-	-	177 00	17259 27
" 20,	6936 68	12761 00	-	12784 68		
Rejected,	927 00	5986 00	-	-	6913 00	19697 68
" 27,	6382 21	4600 00	-	10982 21	-	10982 21
Rejected,						
December 4,	5943 00	4882 40	-	10825 40	-	10825 40
Rejected,						

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[No. 3.]

A STATEMENT *of Bills and Notes discounted, consisting of Accommodation Notes, Notes and Bills renewed in the same form, and of Notes and Bills called business paper, and such as were rejected.*

Date of offering.		Debts due in the form of accommodation.	Notes and Bills which have been discounted and renewed.	Amount called business paper.	Total amount Discounted.	Total Rejected.	Total offered.
1839.							
August 7,	Discounted,	19200 00	10531 44	4555 27	34286 71		
" "	Rejected,	500 00	-	-	-	500 00	34786 71
" 14,	Discounted,	36946 00	18602 00	9413 43	64951 43	-	64951 43
" "	Rejected,						
" 21,	Discounted,	39474 09	10120 78	9642 35	59237 22		
" "	Rejected,	1648 71	1575 00	-	-	3223 71	62460 93
" 28,	Discounted,	27396 00	14620 00	8005 61	50021 61		
" "	Rejected,	2259 67	-	-	-	2259 67	52281 28
September 4,	Discounted,	48180 00	15553 40	12397 50	76130 90		
" "	Rejected,	75 00	-	-	-	75 00	76205 90
" 11,	Discounted,	23500 00	19035 00	16503 98	59038 98		
" "	Rejected,	2802 54	-	-	-	2802 54	61841 52
" 18,	Discounted,	47140 00	17715 00	16864 12	81719 12		
" "	Rejected,	1849 46	3000 00	-	-	4849 46	86568 58
" 25,	Discounted,	34989 00	15793 00	12286 12	63068 12		
" "	Rejected,	530 71	1400 00	-	-	1930 71	64999 83
October 2,	Discounted,	36090 00	9956 00	13870 66	59926 66		
" "	Rejected,	2690 57	3000 00	-	-	5690 57	65617 23

RECAPITULATION.

Amount of accommodation, - - -	312,915 09
Notes and bills that have been renewed, - -	131,926 62
Business paper, - - - -	103,539 04
Notes offered and rejected, - - -	21,331 66
Total offered, - -	$ 569,712 41

It is proper that the undersigned should add the subjoined explanation of the statement contained in No. 3.

Our accommodation debt has increased considerably in the last twelve or eighteen months, in consequence of the embarrassments which generally prevailed almost every where.

We had discounted bills on the north to a considerable extent, which it was confidently expected would be paid at maturity, the parties being considered undoubted; many of them however returned protested. The bank was then compelled in self-defence to consolidate the same, take ample and sufficient security, and put such debts on the footing of accommodation paper.

It will be perceived by the annexed proceedings of our board that this description of debt is now undergoing a curtail, which will be rigidly enforced until the same is reduced considerably below our capital.

That description of debts which has been discounted and renewed was originally negotiated for specific periods, and has continued ever since for the accommodation of the debtors, subject however to be called for whenever the board may order the same.

The business paper has always been punctually paid when at maturity.

All which is respectfully submitted.

HUGH M. PATTON, *Cashier.*

To N. E. VENABLE, *Esq. Chairman of the Committee on Banks of the Legislature of Virginia—Richmond.*

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FARMERS BANK OF VIRGINIA—BRANCH AT LYNCHBURG.

FARMERS BANK OF VIRGINIA
At Lynchburg, September 20, 1839.

At a regular meeting of the directors this day at their banking house:
Present—Wm. Radford, president, Wm. Daniel, jr., J. M. Warwick, Richard Tyree, John Smith, jr., Samuel M'Corkle and Samuel Miller.
Sundry discounts were made as per offering book, and then the board adjourned.

Amount discounted, class No. 1,	13,818 24
Amount rejected, class No. 1,	2,734 10
Amount discounted, class No. 2,	17,741 00
Amount discounted, class No. 3,	15,000 00
Amount rejected, class No. 2,	4,223 50
Amount of debts due in form of accommodation,	19,000 00
Amount bills and notes which had been discounted and renewed in form of accommodation,	00 00
Amount of real business paper discounted,	29,059 24
Amount of real business paper rejected,	2,734 10

FARMERS BANK OF VIRGINIA
At Lynchburg, September 27, 1839.

At a regular meeting of the directors this day at their banking house:
Present—John M. Warwick, president *pro tem.* by appointment by the president, John G. Meem, Henry S. Langhorne, Richard Tyree, John Smith, jr., Ammon Hancock and Sam'l Miller.
Sundry discounts were made as per offering book, and then the board adjourned.

Amount discounted, class No. 1,	14,324 76
Amount rejected, class No. 1,	1,646 83
Amount discounted in class No. 2,	25,363 50
Amount discounted, class No. 3,	00 00
Amount rejected, class No. 2,	00 00
Amount of debts due in form of accommodation,	6,840 00
Amount bills and notes which had been discounted and renewed in form of accommodation,	00 00
Amount real business paper discounted,	32,847 12
Amount real business paper rejected,	1,646 83

FARMERS BANK OF VIRGINIA
At Lynchburg, October 4th, 1839.

At a regular meeting of the directors this day at their banking house:
Present—Wm. Radford, president, John G. Meem, Samuel M'Corkle, Samuel E. White, John Smith, jr., John M. Warwick, Ammon Hancock and Richard Tyree.
Sundry discounts were made as per offering book, and then the board adjourned.

Amount discounted, class No. 1,	13,040 72
Amount rejected, class No. 1,	1,646 83
Amount discounted, class No. 2,	37,138 20
Amount rejected, class No. 2,	00 00
Amount discounted, class No. 3,	00 00
Amount debts due in form of accommodation,	10,835 00
Amount bills and notes discounted and renewed in form of accommodation,	00 00
Amount real business paper discounted,	39,343 92
Amount real business paper rejected,	1,646 83

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FARMERS BANK OF VIRGINIA
At Lynchburg, October 11, 1839.

At a regular meeting of the directors this day at their banking house:

Present—Wm. Radford, president, John G. Meem, Henry S. Langhorne, A. Hancock, R. Tyree, J. M. Warwick, S. M'Corkle, W. Daniel, jr., S. E. White, G. W. Turner, and J. Smith, jr.

Sundry discounts were made as per offering book, and then the board adjourned.

Amount discounted, class No. 1,	15,980 87
Amount rejected, class No. 1,	1,886 83
Amount discounted, class No. 2,	28,020 94
Amount rejected, class No. 2,	2,700 00
Amount discounted, class No. 3,	00 00
Amount debts due in form of accommodation,	4,740 00
Amount discounted and renewed in form of accommodation,	00 00
Amount real business paper discounted,	39,261 81
Amount real business paper rejected,	4,586 83

FARMERS BANK OF VIRGINIA
At Lynchburg, October 18, 1839.

At a regular meeting of the directors this day at their banking house:

Present—Wm. Radford, president, J. G. Meem, H. S. Langhorne, A. Hancock, R. Tyree, J. M. Warwick, S. M'Corkle, W. Daniel, jr., S. E. White, G. W. Turner and J. Smith, jr.

Sundry discounts were made as per offering book, and then the board adjourned.

Amount discounted, class No. 1,	12,247 05
Amount rejected, class No. 1,	2,481 94
Amount discounted, class No. 2,	3,700 00
Amount rejected, class No. 2,	3,500 00
Amount discounted, class No. 3,	00 00
Amount of debts due in form of accommodation, (waived or suspended)	11,222 23
Amount of bills and notes discounted and renewed in form of accommodation,	00 00
Amount of real business paper discounted,	15,947 05
Amount of real business paper rejected,	5,981 94

FARMERS BANK OF VIRGINIA
At Lynchburg, October 25, 1839.

At a regular meeting of the directors this day at their banking house:

Present—Wm. Radford, president, J. G. Meem, J. M. Warwick, G. W. Turner, S. M'Corkle, Richard Tyree, J. Smith, jr., H. S. Langhorne.

On motion, *Resolved*, That the trustee in the deed made by Ro. Tinsley (in his lifetime to this bank for a debt due by the said Tinsley) be authorized to use his discretion to sell the land named in the said deed on a credit not exceeding twelve months, with the consent of the endorser on the note, retaining a lien on the land, or taking good personal security.

On motion, *Resolved*, That the trustee named in the deed made by J. S. Blair to secure a debt from him to this bank, be requested to release the property named therein, (the debt having been paid.)

Sundry discounts were made as per offering book, and then the board adjourned.

Amount discounted, class No. 1,	12,744 60
Amount rejected, class No. 1,	1,400 00
Amount discounted, class No. 2,	13,344 88
Amount rejected, class No. 2,	3,402 23
Amount discounted, class No. 3,	00 00
Amount of debts due in form of accommodation, (waived or suspended)	5,400 00
Amount of bills and notes discounted and renewed in form of accommodation,	00 00
Amount of real business paper discounted,	26,089 48
Amount of real business paper rejected,	4,802 23

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FARMERS BANK OF VIRGINIA
At Lynchburg, November 1, 1839.

At a regular meeting of the directors this day at their banking house:
Present—Wm. Radford, John G. Meem, John M. Warwick, Geo. W. Turner, Wm. Daniel, jr., Richard Tyree, Samuel M'Corkle, Henry S. Langhorne and Samuel E. White.
Sundry discounts were made as per offering book, and then the board adjourned.

Amount discounted, class No. 1,	13,744	38
Amount rejected, class No. 1,	1,625	00
Amount discounted, class No. 2,	17,886	62
Amount rejected, class No. 2,	1,250	00
Amount discounted, class No. 3,	00	00
Amount debts due in form of accommodation, (waived or suspended,)	20,500	00
Amount bills and notes discounted and renewed in form of accommodation,	00	00
Amount real business paper discounted,	31,631	00
Amount real business paper rejected,	2,875	00

FARMERS BANK OF VIRGINIA
At Lynchburg, November 8, 1839.

At a regular meeting of the directors this day at their banking house:
Present—Wm. Radford, John G. Meem, Henry S. Langhorne, John Smith, jr., John M. Warwick, Ammon Hancock, Samuel Miller and Samuel E. White.
Sundry discounts were made as per offering book, and then the board adjourned.

Amount discounted, class No. 1,	13,497	36
Amount rejected, class No. 1,	1,927	63
Amount discounted, class No. 2,	9,647	25
Amount rejected, class No. 2,	2,000	00
Amount discounted, class No. 3,	00	00
Amount debts due in form of accommodation,	10,700	00
Amount bills and notes discounted and renewed in form of accommodation,	00	00
Amount real business paper discounted,	23,134	61
Amount real business paper rejected,	3,927	63

FARMERS BANK OF VIRGINIA
At Lynchburg, 15th November 1839.

At a regular meeting of the directors this day at their banking house:
Present—William Radford, president, John G. Meem, Henry S. Langhorne, George W. Turner, Richard Tyree, Ammon Hancock and Samuel E. White.
Sundry discounts were made as per offering book and then the board adjourned.

Amount discounted, class No. 1,	13,401	82
Amount rejected, class No. 1,	965	22
Amount discounted, class No. 2,	12,414	90
Amount rejected, class No. 2,	1,500	00
Amount discounted, class No. 3,	00	00
Amount debt due in form of accommodation, (waived)	19,085	00
Amount bills and notes discounted and renewed in form of accommodation,	00	00
Amount real business paper discounted,	25,816	72
Amount real business paper rejected,	2,465	22

FARMERS BANK OF VIRGINIA
At Lynchburg, 22d November 1839.

At a regular meeting of the directors this day at their banking house:
Present—W. Radford, president, J. G. Meem, J. M. Warwick, G. W. Turner, R. Tyree, J. Smith jr., S. E. White.
Resolved, That the mother bank be requested to make a deed to Jesse Richeson for a tract of land taken from James Ware for a debt due this bank and since sold to said Jesse Richeson.

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Resolved, That the trustee in the deed from Ajax Walker to secure a debt due this bank be allowed one hundred dollars for his services in settling that debt.

Sundry discounts were made as per offering book and then the board adjourned.

Amount discounted, class No. 1,		12,595 01
Amount rejected, class No. 1,		1,850 00
Amount discounted, class No. 2,		00 00
Amount rejected, class No. 2,		8,055 77
Amount discounted, class No. 3,		00 00
Amount debt due in form of accommodation,	(waived)	18,900 00
Amount bills and notes discounted and renewed in form of accommodation,		00 00
Amount real business paper discounted,		20,650 75
Amount real business paper rejected,		1,850 00

FARMERS BANK OF VIRGINIA
AT LYNCHBURG, 29th November 1839.

At a regular meeting of the directors this day at their banking house:

Present—Wm. Radford, president, John G. Meem, Henry S. Langhorne, Geo. W. Turner, Rich'd Tyree, Samuel M'Corkle and Samuel E. White.

Sundry discounts were made as per offering book and then the board adjourned.

Amount discounted, class No. 1,		20,952 82
Amount rejected, class No. 1,		1,608 50
Amount discounted, class No. 2,		9,633 11
Amount rejected, class No. 2,		00 00
Amount discounted, class No. 3,		00 00
Amount debt due in form of accommodation,		8,370 00
Amount bills and notes discounted and renewed in form of accommodation,		00 00
Amount real business paper discounted,		30,585 93
Amount real business paper rejected,		1,608 50

CORPORATION OF LYNCHBURG, *to wit:*

On the 20th day of December 1839, Alexander Tompkins, cashier of the Farmers Bank of Virginia at Lynchburg, personally appeared before me an alderman for the said corporation, and made oath that the foregoing statement is a true extract from the books of the Farmers Bank of Virginia at Lynchburg.

Given under my hand the date above written.

JOHN R. D. PAYNE.

FARMERS BANK OF VIRGINIA—BRANCH AT DANVILLE.

Minutes of the Board of Directors of the Farmers Bank of Virginia at Danville from September the 15th until December 1st, 1839.

At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday September 18, 1839:

Present—Ro. W. Williams, Hobson Johns.

Hobson Johns was appointed president *pro tem.*

Ordered, That the bills and notes entered in the offering-book No. 1 of this day, and numbered from one to fourteen inclusive, be discounted.

The cashier reported that since the last meeting of the board he had purchased for the use of the bank one draft for the sum of $450, as it stands entered on the draft-book of Thursday the 12th instant, which said purchase is approved.

Ordered, That the draft entered on the draft-book of this day and numbered one be discounted.

And then the board adjourned.

HOBSON JOHNS, *P. P. T.*

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At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday September 25, 1839:

Present—Hobson Johns.

Ordered, That the bills and notes entered on the offering-book No. 1 of this day, and numbered from one to twenty inclusive, be discounted, except No. 6, which is rejected.

Ordered, That the draft entered on the draft-book of this day be discounted.

The cashier reported that since the last meeting of the board he had purchased for the use of the bank at the regular rate of discount one draft drawn by ——— in favour of ——— and endorsed by him and ——— on ———, Clarksville, Virginia, for the sum of $1000 payable in 90 days from the date, which said purchase is approved.

Adjourned.

HOBSON JOHNS.

At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday October 2d, 1839:

Present—Thomas Rawlins, president, Ro. W. Williams, Hobson Johns and Allen Jones.

Ordered, That the bills and notes entered on the offering-book No. 1 of this day, and numbered from one to eighteen inclusive, be discounted.

Whereas a quorum of this board failed to meet at the regular meeting which should have been held on Wednesday the 18th day of September last, and in consequence of such failure Robert W. Williams and Hobson Johns, two members of said board, proceeded to transact the business prepared for the consideration of the board and discounted sundry negotiable notes and drafts as appears by the record of their proceedings now here exhibited, signed and authenticated by Hobson Johns as president *pro tem.* on that day. And whereas a quorum of this board also failed to attend the last regular meeting of this board which should have been held on Wednesday September 25, 1839, and in consequence of the said failure Hobson Johns, one of the members of this board proceeded to discount sundry negotiable notes and drafts then and there prepared for the consideration of the said board, as appears by the record of his proceedings, and here exhibited, signed and authenticated with the signature of the said Hobson Johns: Now, therefore, this board hereby ratifies and confirms the said acts of the said Robert W. Williams and Hobson Johns, and the said acts of the said Hobson Johns, and makes them their own as fully and effectually to all intents and purposes as if they were at this time transacted.

Ordered, That the cashier pay to Thompson Coleman, postmaster at this place, his account for postage up to the 30th September 1839, amounting to the sum of twenty dollars and sixty-one cents.

Ordered, That the drafts entered on the draft-book of this day be discounted.

And then the board adjourned.

THO. RAWLINS, *President.*

At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday October 9, 1839:

Present—Thomas Rawlins, president, Robert W. Williams, Robert Wilson, George W. Johnson, Hobson Johns and Allen Jones.

Ordered, That the bills and notes entered on the offering-book No. 1 of this day, and numbered from one to nineteen inclusive, be discounted.

Ordered, That the drafts entered on the draft-book of this day, being two, be discounted.

Ordered, That Robert Wilson, George W. Johnson and Allen Jones be appointed a committee to examine the books and count the funds and effects of the bank in the hands of the cashier and report.

And then the board adjourned.

THO. RAWLINS, *Pres't.*

At a called meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Thursday October 10th, 1839:

Present—Thomas Rawlins, president, George W. Johnson, Robert Wilson and Allen Jones.

Ordered, That a draft for $4000 drawn by ——— ——— in favour of ——— ——— and endorsed by him at 60 days on ——— ——— of Richmond and accepted by him be discounted.

And then the board adjourned.

THO. RAWLINS, *Pres't.*

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At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday October the 16th, 1839:

Present—Thomas Rawlins, president, Robert Wilson, George W. Johnson, Hobson Johns, Allen Jones, Nathaniel T. Green and Robert W. Williams.

Resolved, That this board will continue to discount drafts where they are to be applied to the payment of debts due this office.

The committee heretofore appointed to examine the books, &c. made the following report, which was received and adopted and ordered to be entered in the minutes:

We the undersigned who were appointed a committee to examine the books and count the funds and effects of the bank in the hands of the cashier of the office of discount and deposit of the Farmers Bank of Virginia in Danville, have performed that duty and beg leave to report, that upon examination of the books of said office we find they call for in bills and notes outstanding, the sum of - - - - - - 322,077 28

And that the cash account calls for the sum of - - - - 94,283 59

Upon counting the bills and notes on hand and outstanding, we find they amount to the sum of 322,822 28

Being an excess over the sum called for by the books of - - - 745 00

True amount as called for by the books, - - - $ 322,077 28

Upon counting the cash on hand we find there are in office notes, - - - 39,873 00

Farmers and branch notes, - - - - - - 8,742 00

Virginia and branch notes, - - - - - 708 00

Foreign notes, - - - - - 269 00

Specie, - - - - - 44,614 98

Making an aggregate sum of - - - - - 94,206 98

Shewing a deficiency of - - - - - 76 61

True amount called for by the books, - - - $ 94,283 59

We have also examined the cashier's account and find to his credit $ 538 71.

All which is respectfully submitted.

ROB'T WILSON,
GEO. W. JOHNSON,
ALLEN JONES.

October 10*th*, 1839.

The president laid before the board a letter from Wm. H. Macfarland, president of the mother bank at Richmond, advising that the bank had been compelled to suspend the payment of specie; which on motion was laid upon the table.

Ordered, That a draft for the sum of $ 1000 payable at four months drawn by —— ——— surviving partner, &c. in favour of —— ——— and endorsed by him on —— ——— of New York, be received in payment of a debt due from the drawer to this office, allowing the usual rate of discount.

And then the board adjourned.

THOMAS RAWLINS, *Pres't.*

At a meeting of the directors of the Farmers Bank of Va. at their office in the town of Danville on Wednesday October 23d, 1839:

Present—Thomas Rawlins, president, Nathaniel T. Green, George W. Johnson, Hobson Johns and Allen Jones.

The cashier reported that since the last meeting of the board he had taken in payment of a debt due the bank a draft drawn by —— ——— in favour of —— ——— and endorsed by him on —— ——— of Baltimore for the sum of $ 400 at 4 months, deducting therefrom the usual rate of discount; which is approved.

The president laid before the board a letter from Wm. H. Macfarland, president of the mother bank at Richmond, touching the course proposed to be pursued by the banks in Richmond since the suspension of specie payments, and enclosing resolutions adopted by the directors of the same at a meeting held by them on the 15th inst. Which communication was laid upon the table.

Ordered, That the draft entered on the draft-book of this day for $ 500 be discounted.

And then the board adjourned.

THO. RAWLINS, *Pres't.*

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At a called meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Saturday October 26, 1839:

Present—Thomas Rawlins, president, Geo. W. Johnson, Rob't Wilson and Allen Jones.

———— offered a draft drawn by himself in favour of ———— for $1000 at 60 days on ———— of Petersburg and endorsed by the said ———— and ———— which draft is rejected.

And then the board adjourned.

THO. RAWLINS, *Pres't.*

At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday October 30, 1839:

Present—Thomas Rawlins, president, Hobson Johns, Allen Jones, Nath'l T. Green and Geo. W. Johnson.

Ordered, That the drafts entered on the draft-book of this day be discounted except No. 1, which is rejected.

The president having retired from the board Geo. W. Johnson was called to the chair. Thomas Rawlins a debtor of the Farmers Bank of Virginia having submitted to the board of directors of this office a verbal proposition requesting the said board to advise James Lanier and George Townes trustees for the Farmers Bank of Virginia, the Bank of Virginia and others to sell certain slaves, sixteen in number, and conveyed by a deed of trust bearing date on the sixth day of May 1837, and duly recorded in the county court of Pittsylvania as reference thereto may more fully appear, to sell the said slaves privately to Francis Williams for the lumping sum of nine thousand dollars, five thousand dollars part thereof payable on or before the 1st day of July next carrying interest from this date, and the residue of four thousand payable on or before the 1st day of January 1841, carrying like interest from this day until paid.

The board having considered the said proposition and being fully satisfied that the estimate of the value of the said slaves is fully equal to what they would bring at auction for cash, and that the said Francis Williams is fully and entirely responsible for the said purchase money do

Resolve, That the said trustees be advised so far as the Farmers Bank of Virginia is concerned, to make the said sale upon the terms proposed.

And then the board adjourned.

THOS. RAWLINS, *Pres't.*

At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday November 6, 1839:

Present—Thomas Rawlins, president, Allen Jones, Hobson Johns and George W. Johnson.

Ordered, That the resolution adopted by this board on the 14th day of August 1839 in relation to Morris Pollok, be rescinded.

Ordered, That should ———— file with the cashier his note endorsed by ———— for a sum not exceeding ———— before next meeting of this board the same shall be considered as having been now discounted.

And then the board adjourned.

THO. RAWLINS, *Pres't.*

At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday November 13, 1839:

Present—Thomas Rawlins, president, Hobson Johns, Allen Jones, Robert Wilson and George W. Johnson.

Ordered, That the notes entered on the offering-book No. 1 of this day, and numbered from one to ten inclusive be discounted except No. 1 which is rejected.

Ordered, That the drafts entered on the draft-book of this day numbered from one to ten be discounted except No. 1 which is rejected.

Ordered, That should ———— offer a draft for the sum of $4000 drawn by themselves in favour of ———— and endorsed by him on ———— of Richmond and accepted by him at 60 days before the meeting of the next board, the cashier be authorized to discount the same to be paid by placing $500 to the credit of the said ———— and causing a credit to be entered on a draft for which the same parties are liable for $5000 now in Richmond for collection and due on the 18–21 November for the remaining $3500.

And then the board adjourned.

THO. RAWLINS, *Pres't.*

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At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday November 20th, 1839:

Present—Thomas Rawlins, president, Geo. W. Johnson and Hobson Johns.

Ordered, That the drafts upon the draft book of this day and numbered from one to five inclusive be discounted except No. 2. which is rejected.

And then the board adjourned.

THO. RAWLINS, *President.*

At a called meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Thursday the 21st day of November 1839:

Present—Thomas Rawlins, president, Allen Jones, Hobson Johns, Robt. Wilson and Nath'l T. Green.

Ordered, That a draft for ——— dollars drawn by ——————— in favour of ——————— and endorsed by him and ——————— on ——————— of Petersburg, payable at sight and now before this board, be purchased provided he will cause two other names satisfactory to the cashier to be put upon it.

And then the board adjourned.

THO. RAWLINS, *President.*

At a meeting of the directors of the Farmers Bank of Virginia at their office in the town of Danville on Wednesday November 27, 1839:

Present—Thomas Rawlins, president, Hobson Johns and Allen Jones.

Ordered, That the drafts entered on the draft book of this day and numbered from one to ten inclusive be discounted except No. 1, which is discounted only upon condition that the drawer will put another name upon it satisfactory to the cashier.

Ordered, That the cashier pay James Lanier five dollars for furnishing fuel for this office for the last six months.

And then the board adjourned.

THO. RAWLINS, *President.*

Extract from the minutes.

A true copy,

Teste,

JAMES LANIER, *Cashier.*

Amount of bills and notes offered for discount from the 15th September till the 1st December 1839, to wit:

First class, - - - - - - -	$ 30,927 62
Second class, - - - - - - -	113,975 48
Amount discounted in the first class, - - - -	28,490 12
Amount rejected in do. - - - - -	2,437 50
	$ 30,927 62
Amount discounted in second class, - - - - -	110,775 48
Amount rejected in do. - - - - -	3,200 00
	$ 113,975 48
The amount of debts due in the form of accommodation notes on the 1st December 1839,	$ 243,523 54
Amount of notes and bills which have been discounted other than accommodation notes and renewed in the same form, - - - - -	$ 7,500 00
The amount of business paper discounted from the 15th September till the 1st December 1839,	$ 22,945 12
Amount of do. rejected during the said period, - - -	5,637 50

JAMES LANIER, *Cash'r.*

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FARMERS BANK OF VIRGINIA—BRANCH AT WINCHESTER.

OFFICE OF THE FARMERS BANK OF VIRGINIA,
WINCHESTER, Thursday September 19th, 1839.

Present—Jos. H. Sherrard, president, Jno. Bruce, Jno. W. Miller, Geo. F. Washington, Jas. Stackhouse, Jacob Senseney, Ab. Miller, Robt. T. Baldwin, Rich'd W. Barton, Jas. M. Mason, directors.

The board having transacted the business of the bank adjourned to meet on Thursday next 10 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

THURSDAY, Sept. 26, 1639.

Present—J. H. Sherrard, president, Jno. W. Miller, Jas. Stackhouse, R. J. M'Kim Holliday, Jno. Bruce, Robt. T. Baldwin, directors.

The board having transacted the business of the bank, on motion they adjourned to meet on Thursday next 10 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

THURSDAY, Oct. 3, 1839.

Present—J. H. Sherrard, president, Jno. W. Miller, R. J. M'Kim Holliday, Geo. F. Washington, R. T. Baldwin, Jas. Stackhouse, Jno. Bruce, J. M. Mason, directors.

The board having transacted the business of the bank, on motion they adjourned to meet on Thursday next 10 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

THURSDAY, Oct. 10, 1839.

Present—J. M. Mason, Jno. W. Miller, J'b Senseney, R. T. Baldwin, Ab. Miller, Jas. Stackhouse, Jno. Bruce, G. F. Washington, directors.

The president being absent J. M. Mason esq. was called to the chair.

The board having transacted the business of the bank, on motion they adjourned to meet on Thursday morning next 10 o'clock.

(Signed)

J. M. MASON.

At a special meeting of the board of directors held at their banking house on Monday morning October 14th, 1839:

Present—J. H. Sherrard, president, Rich'd E. Byrd, R. J. M'Kim Holliday, J. M. Mason, Ab. Miller, Jas. Stackhouse, Jno. Bruce, R. T. Baldwin, J'b Senseney, directors.

The following resolution was offered by the president:

Resolved, That in the event of a suspension of specie payments by this branch, the officers thereof be and they are hereby instructed to pay in coin until the further order of the board such small demands as may from time to time be made at the counter of the bank, and which they may have reason to suppose are made for the convenience of change, and also to pay in coin fractional parts of checks when the amount of such fraction is less than five dollars.

Mr. Mason moved to lay the resolution on the table, and called for the ayes and noes; whereupon the ayes and noes were ordered.

Ayes—J. M. Mason, Ab. Miller and Jb. Senseney—3.

Noes—J. H. Sherrard, Richard E. Byrd, R. J. M'Kim Holliday, Jas. Stackhouse, Jno. Bruce and R. T. Baldwin—6.

The vote being taken on the resolution, it was unanimously adopted.

The board adjourned to meet this evening at 7 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

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MONDAY EVENING, October 14, 1839.

The board met pursuant to adjournment.

Present—Jos. H. Sherrard, president, J. M. Mason, Jas. Stackhouse, Jno. Bruce, Rich'd E. Byrd, R. J. M'Kim Holliday, Ab. Miller, Jacob Senseney, directors.

The president produced to the board a letter from the president of the parent bank informing him of the suspension of specie payment by the bank: Whereupon the following preamble and resolution was offered by col. J. M. Mason:

This board being advised by a letter from Wm. H. Macfarland esq. president of the Farmers Bank of Virginia dated on the 11th instant that the parent bank in Richmond had for the present suspended payment of specie:

Resolved, That for the present payment of specie be suspended at this office, and until the further order of the board; the foregoing to be subject nevertheless to the resolution of the board adopted at the former meeting on this day.

The preamble and resolution being read, Mr. Byrd called for the ayes and noes, which stood thus:

Ayes—J. H. Sherrard, J. M. Mason, Jas. Stackhouse, Jno. Bruce, R. J. M'Kim Holliday, Ab. Miller and Jacob Senseney—7.

No—Rich'd E. Byrd—1.

Whereupon the board adjourned.

(Signed)

J. H. SHERRARD, *Pres't.*

THURSDAY, October 17th, 1839.

Present—J. M. Mason, J'b Senseney, Jas. Stackhouse, Jno. Bruce, Jno. E. Page, R. T. Baldwin, directors.

The president being absent, J. M. Mason, esq. was called to the chair. The board having transacted the business of the bank, on motion they adjourned to meet on Thursday morning next 10 o'clock.

(Signed)

J. M. MASON.

THURSDAY, October 24th, 1839.

Present—Jos. H. Sherrard, president, J'b Senseney, Ab'r Miller, R. J. M'Kim Holliday, Jno. W. Miller, Jno. Bruce, Jas. Stackhouse, J. M. Mason, Geo. F. Washington, directors.

The president produced to the board the resolution adopted by the Bank of Virginia, Farmers Bank of Virginia and the Exchange Bank on the 15th instant, recommending to said banks to discount approved paper to a moderate extent, to prevent the general and fearful embarrassment and discredit which would result from the refusal altogether; and also a letter from the president of the Farmers Bank of Virginia recommending the same course to this office: Whereupon, the question being taken as to the adoption of said recommendation, it was decided in the affirmative.

On motion the board adjourned to meet on Thursday morning next 10 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

THURSDAY, October 31, 1839.

Present—Jos. H. Sherrard, president, Jas. Stackhouse, J'b Senseney, Ab'r Miller, J. M. Mason, R. J. M'Kim Holliday, Geo. F. Washington, R. E. Byrd, J. W. Miller, Jno. Bruce, R. T. Baldwin, Rich'd W. Barton, directors.

On the question of discounting Geo. W. Ginn's note for $ 500 at thirty days, Rich'd E. Byrd esq. called for the ayes and noes: Whereupon the question was decided by the following vote:

Ayes—Mr. Sherrard, Mr. Stackhouse, Mr. Senseney, Col. Mason, Dr. Holliday, Mr. Washington, J. W. Miller, Mr. Bruce and Dr. Baldwin—9.

Noes—Dr. Abr. Miller and R. E. Byrd—2.

On motion the board adjourned to meet on Thursday morning next 10 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

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THURSDAY, November 7th, 1839.

Present—Jos. H. Sherrard, president, Ab. Miller, Jas. Stackhouse, J. M. Mason, Jno. Bruce, J'b Senseney, R. J. M'Kim Holliday, directors.

The board having transacted the business of the bank, on motion they adjourned to meet on Thursday morning next 10 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

THURSDAY, November 14, 1839.

Present—Jos. H. Sherrard, president, J'b Senseney, J. W. Miller, Ab. Miller, Jno. E. Page, Jno. Bruce, Geo. F. Washington, directors.

The board having transacted the business of the bank, on motion they adjourned to meet on Thursday morning next 10 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

THURSDAY, November 21, 1839.

Present—Jno. Bruce, Ab. Miller, J. W. Miller, R. T. Baldwin, J'b Senseney, directors.

The president being absent on account of indisposition, Jno. Bruce esq. was called to the chair.

The board having transacted the business of the bank, on motion they adjourned to meet on Thursday morning next 10 o'clock.

(Signed)

JNO. BRUCE.

THURSDAY, November 28, 1839.

Present—J. H. Sherrard, president, Jno. W. Miller, R. T. Baldwin, A. Miller, J'b Senseney, Jno. Bruce, directors.

The board having transacted the business of the bank, on motion they adjourned until Thursday morning next 10 o'clock.

(Signed)

J. H. SHERRARD, *Pres't.*

Office of the Farmers Bank of Virginia at Winchester.

DATE OF OFFERING.	Amount Discounted in Class 1st.	Amount Rejected in Class 1st.	Amount Discounted in Class 2d.	Amount Rejected in Class 2d.	Amount Discounted in Class 3d.	Amount Rejected in Class 3d.
September 19,	9738 00	500 00	19300 00	None.	11050 00	None.
" 26,	13578 00	1350 00	17875 00	2500 00	None.	"
October 3,	15562 00	1400 00	10250 00	1200 00	"	"
" 10,	7653 00	250 00	11100 00	None.	"	"
November 7,	6350 00	1350 00	3000 00		"	"
" 14,	1710 00	-	1275 62	1275 62	"	"
" 21,	2270 00	1000 00	3765 90		"	"
" 28,	1020 00	600 00	3500 00	1500 00	"	"
	57881 00	6450 00	70066 52	6475 62	11050 00	

Amount of debts due in the form of accommodation notes, - - -	194,823 85
Amount of notes and bills which had been discounted and renewed in the same form,	74,792 00
Amount of real or business paper discounted, - - - -	121,076 00
Amount rejected, - - - - - - -	12,925 62

GEO. ORRICK, *Cashier.*

January 2, 1840.

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[DOC. No. 22.]

STATEMENTS

OF THE

EXCHANGE BANK OF VIRGINIA AND BRANCHES,

In reply to a Resolution of the Committee on Banks.

EXCHANGE BANK OF VIRGINIA,
DECEMBER 30, 1839.

SIR,

I have the honour to enclose you herewith the statements &c. required by the committee on banks by your letter of the 12th inst., which I hope will meet the views of yourself and committee. Should we have misconstrued your intentions or have omitted any thing you may desire to know, an intimation to that effect will meet with prompt attention. Our days of discount are Wednesday and Saturday of each week, we therefore commence our statement with Saturday the 14th of September, being the nearest to the day named in the resolution.

From the 19th of October to the 4th December, the day on which we resumed specie payments in full for all our circulation no discounts were granted, but the payments falling due between those periods were laid over by consent of parties and waiver of notice and protest, or protest where a waiver could not be obtained. We are now receiving payments or granting discounts to meet them as the parties may respectively desire, taking care to preserve due responsibility on the part of the debtors to the bank. The quarterly statement of the condition of this institution on the 1st January next will be prepared and forwarded to the executive as soon after that day as the accounts are received from the branches and the general statement can be completed.

I am, very respectfully,

Your obed't serv't,

W. SOUTHGATE, *Cas.*

NATH'L E. VENABLE, Esq.
Chairman of the Committee on Banks.

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Journal of the Exchange Bank of Virginia, from the 14th September to the 1st of December, 1839.

At a meeting of the board on Saturday September the 14th, 1839:
Present—John Southgate, president *pro tem.*, Samuel W. Paul, Wm. J. Hardy.

Notes and bills offered,	$19,895 87
Amount discounted,	14,551 92
Domestic bills offered,	9,022 67
Amount purchased,	748 16

Mr. James Cornick, with the president and cashier, is appointed a committee on domestic bills the ensuing week.

Adjourned to the board in course. After adjournment George Wilson and George M'Intosh approved the proceedings.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Wednesday September 18th, 1839:
Present—John Southgate, president *pro tem.*, George M'Intosh, James Cornick, S. W. Paul, George Wilson, W. J. Hardy.

Notes and bills offered,	$24,239 81
Amount discounted,	14,137 71
Domestic bills offered,	12,569 01
Amount purchased,	2,496 67

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro. tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Saturday the 21st of September, 1839:
Present—John Southgate, president *pro tem.*, George M'Intosh, George Wilson, S. W. Paul, Thomas F. Andrews, W. J. Hardy.

Notes and bills offered,	$22,437 50
Amount discounted,	13,772 50
Domestic bills offered,	8,365 44
Amount purchased,	1,865 44

Mr. Wm. J. Hardy, with the president and cashier, is appointed a committee on domestic bills the ensuing week.

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Wednesday September 25th, 1839:
Present—John Southgate, president *pro tem.*, George M'Intosh, James Cornick, Samuel W. Paul, Thos. F. Andrews, W. J. Hardy.

Notes and bills offered,	$30,127 25
Amount discounted,	15,778 08
Domestic bills offered,	6,156 75
Amount purchased,	860 60

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Saturday September 28th, 1839:
Present—Wm. J. Hardy, George M'Intosh, S. W. Paul, George Wilson, James Cornick, Thos. F. Andrews.
Dr. Thos. F. Andrews, on motion, was called to the chair.

Notes and bills offered,	$ 13,736 75
Amount discounted,	6,036 69
Domestic bills offered,	4,488 94
Amount purchased,	2,085 69

Ordered unanimously, That the weekly committees be discontinued.

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Ordered, That Dr. Andrews, Mr. Paul and Mr. Hardy be a vault committee to examine the same and the state of the bank, and report to the board.

Ordered, That from and after the 1st of October the board will meet at 10 o'clock A. M.

Adjourned to the board in course.

THOMAS F. ANDREWS.

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Wednesday the 2d of October 1839:

Present—John Southgate, president *pro tem.*, George M'Intosh, James Cornick, Thomas F. Andrews, W. J. Hardy.

Notes and bills offered,	$22,002 04
Amount discounted,	13,707 54
Domestic bills offered,	2,622 55
Amount purchased,	2,622 55

The vault committee appointed on the 28th instant made their report which was received, read and ordered to be recorded, and is in the following words and figures to wit:

EXCHANGE BANK OF VIRGINIA,
NORFOLK, October 1, 1839.

The undersigned a committee appointed by the board of directors for the examination of the vault and the effects of the bank, report that they have performed that duty and found the evidences of

Notes and bills discounted,	506,327 76
Domestic bills outstanding,	106,796 76
Making a total of active debt of	$613,124 52

And after a careful examination of the contents of the vault they found the cash on hand to consist of

Notes of the bank,	40,000 00
Gold,	48,450 36
Silver,	18,000 00
Cents,	230 00
Teller's Cash:	
Notes of the bank,	62,335 00
Notes of the Virginia and other banks,	2,719 00
Notes of the N. C. banks,	26,925 00
Specie,	2,683 37
Making a total of cash on hand,	$201,342 73

All of which is in rule with the books of the bank, agrees with the state of the bank and is respectfully submitted.

THOS. F. ANDREWS, } *Committee*
JAMES CORNICK, } *of*
SAM'L W. PAUL, } *Examination.*

To the President and Directors of the Exchange Bank of Va.

Resolved, That the cashier be requested to make application to the treasurer of the commonwealth for payment of the state's subscription on 1038 shares subscribed and paid for by individuals more than have been paid for by the state since the application to the treasurer on the 15th of April 1839.

Adjourned to the board in course.

JNO. SOUTHGATE, *President pro tem.*

W. SOUTHGATE, *Cashier.*

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At a meeting of the board on Saturday October 5th, 1839:

Present—John Southgate, president *pro tem.*, George M'Intosh, Thos. F. Andrews, Richard Dickson, James Cornick, W. J. Hardy, George Wilson.

Notes and bills offered,	$27,747 82
Amount discounted,	15,261 18
Domestic bills offered,	2,200 00
Amount purchased,	00 00

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Wednesday October the 9th, 1839:

Present—John Southgate, president *pro tem.*, George M'Intosh, Thos. F. Andrews, Richard Dickson, W. J. Hardy, George Wilson, James Cornick, Samuel W. Paul.

Amount of notes and bills offered,	$20,300 17
Amount discounted,	17,520 02
Domestic bills offered,	2,694 27
Amount purchased,	2,370 40

Resolved, That the board of directors of the Exchange Bank have learnt with deep and most unaffected regret the death of their much esteemed and highly valued friend and president, S. Whitehead esq. and that they most sincerely sympathise with his afflicted family upon their severe bereavement.

Resolved, That a copy of the above be presented to the family of the deceased.

Ordered, That this board will at its next meeting proceed to elect a director to fill the vacancy occasioned by the death of Swepson Whitehead esq. and then take order for the appointment of a president of this bank.

Adjourned to the board in course.

JOHN SOUTHGATE, *President pro tem.*

W. SOUTHGATE, *Cashier.*

At a special meeting of the board of directors on Friday October 11th, 1839:

Present—John Southgate, president *pro tem.*, Thos. F. Andrews, W. J. Hardy, Samuel W. Paul, James Cornick, George Wilson, George M'Intosh, Richard Dickson.

An application having been received from the branch of the Virginia Bank for the appointment of a committee to meet one from said bank and the Farmers Bank to take into consideration the proper course to be pursued in the present crisis of the suspension of specie payments to the north, a committee was appointed accordingly consisting of John Southgate, Dr. Andrews and Richard Dickson, who reported the proceedings of said committee as follows, viz:

Resolved by the committee of the Exchange Bank, That it is inexpedient to suspend.

Resolved by the committee of the Farmers Bank, That in consequence of the decision of the committee of the Exchange Bank it is inexpedient to suspend.

Resolved by the committee of the Virginia Bank, That it is expedient to suspend.

Whereupon it was unanimously adopted that the report of the committee of this bank declaring it inexpedient to suspend be confirmed by this board, and which is confirmed accordingly.

Ordered, That a copy of the foregoing proceedings be transmitted to the branches.

And the board adjourned.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board of directors on Saturday October 12th, 1839:

Present—John Southgate, president *pro tem.*, Tho's F. Andrews, Richard Dickson, George Wilson, W. J. Hardy, George M'Intosh, James Cornick, Samuel W. Paul.

Notes and bills offered,	$38,284 18
Amount discounted,	35,751 04
Domestic bills offered,	2,877 21
Amount purchased,	2,553 34

Ordered, That the appointment of a director as provided by the last regular meeting of the board be postponed for the present.

The following resolutions were then offered and adopted:

1st. *Resolved*, That in payment of debts due for curtailments on discounted notes, the paper of the two Banks of Virginia may be received for one half and specie or Exchange Bank notes payable here for the other half. Mr. Hardy voting in the negative.

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2d. *Resolved*, That in the payment of notes for collection, none but the notes of the Exchange Bank payable *here* or specie can be received unless permission be obtained from the depositor, who will then only be authorized to check for the amount in the like currency.

3d. *Resolved*, That for the payment of debts due to this bank it may be made as the law directs in Exchange Bank notes or its branches, or one half the amount will be received in Exchange Bank notes payable *here* or specie, and the other half may be Virginia notes.

Mr. Hardy voting in the negative.

4th. *Risolved*, That Virginia and North Carolina notes will be received on deposit to be checked out in the same currency, and the former *only* to be applied to the extent as before provided for on the payment of notes falling due.

5th. *Resolved*, That notes hereafter to be discounted must be made payable at the Exchange Bank.

6th. *Resolved*, That for any discount granted, except for the purpose of retiring paper falling due, none but Virginia notes will be paid.

Ordered, That the foregoing resolutions be published in the Norfolk and Portsmouth papers.

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cas.*

At a meeting of the board on Wednesday October 16, 1839:

Present—John Southgate, president *pro tem.*, Samuel W. Paul, Tho's F. Andrews, George M'Intosh, James Cornick, Richard Dickson, W. J. Hardy, George Wilson.

Amount of notes and bills offered,	-	-	-	$27,318 73
Amount discounted,	-	-	-	19,756 73
Domestic bills offered,	-	-	-	1,088 77
Amount purchased,	-	-	-	00 00

The cashier laid before the board a letter from the treasurer of the state, of which the following is a copy:

TREASURY OFFICE,
RICHMOND, October 12, 1839.

W. SOUTHGATE ESQ.,
Cashier Exchange Bank of Virginia.

SIR,

Yours covering a resolution of the directors of the Exchange Bank at Norfolk making a call on the treasurer for the payment of 1038 shares of stock in that bank to put the state on an equal footing with the private stockholders has been received.

I regret to inform you that I have no funds in the treasury applicable to the payment, and that from the best information which I have been able to obtain the amount cannot be borrowed on the credit of the state, as state stock is selling in this place below par.

I will use all the means in my power to meet the call as soon as possible.

Yours very respectfully,

L. BURFOOT, *Treas'r Comm'th.*

Mr. John Southgate made the following motion:

Whereas information has been received that the branch of this institution in Richmond has suspended specie payments for the present, therefore

Resolved, That it is expedient for this bank to suspend specie payments also for the present.

Upon this resolution the vote was as follows:

Ayes—Richard Dickson, James Cornick, W. J. Hardy, John Southgate—4.

Noes—George M'Intosh, George Wilson, Thomas F. Andrews, S. W. Paul—4.

So the motion was lost.

After the business of discounts had been completed Mr. Paul who voted in the negative, asked for a reconsideration of the resolution for suspending specie payments, which was granted; and the vote again taken was as follows:

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Ayes—Rich'd Dickson, James Cornick, W. J. Hardy, S. W. Paul, John Southgate—5.
Noes—Geo. M'Intosh, Geo. Wilson, Thomas F. Andrews—3.
So the original resolution was adopted.
Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Saturday October 19, 1839:
Present—John Southgate, president *pro tem.*, Geo. M'Intosh, Rich'd Dickson, Sam'l W. Paul, Geo. Wilson, Jas. Cornick, Thos. F. Andrews, W. J. Hardy.

Notes offered,	$34,765 98
Amount discounted,	00 00
Domestic bills offered,	1,940 37
Amount purchased,	00 00

Dr. Andrews offered the following:
Resolved, That the proceedings of the last board in relation to the suspension of specie payments be rescinded.
On which motion the vote was as follows:
Ayes—Messrs. M'Intosh, Wilson, Paul, Andrews—4.
Noes—Messrs. Hardy, Cornick, Dickson, Southgate—4.
So the motion was lost.
The following resolutions offered by Dr. Andrews were adopted:
Resolved, That having suspended specie payments the bank is not legally authorized to discount any new paper or renew any old.
Resolved, That all paper not paid at maturity may lie over the endorsers giving a waiver of protest, and that when any paper is not deemed sufficiently secure additional security shall be required.
A statement of the condition of the bank as it existed on the first day of October 1839, signed by eight of the board of directors thereof and verified by the oath of the cashier was exhibited, and being an accurate and just statement of the condition of said bank as aforesaid, it is ordered to be forwarded to the executive in obedience to the provisions of law.
Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Wednesday October 23, 1839:
Present—John Southgate, president *pro tem.*, Geo. M'Intosh, W. J. Hardy, Thos. F. Andrews, James Cornick, George Wilson, Richard Dickson.

Notes offered,	$3057 12
Amount discounted,	00 00

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cash'r.*

At a meeting of the board on Saturday October 26, 1839:
Present—John Southgate, president *pro tem.*, Richard Dickson, James Cornick, George Wilson, Thos. F. Andrews, W. J. Hardy, Sam'l W. Paul.

Notes offered,	00 00
Amount discounted,	00 00
Bills offered,	00 00
Amount purchased,	00 00

Messrs. Smith & Chamberlaine requested the return of an acceptance of G. B. Wilson & Co. of Baltimore, for $1065 73 to be replaced by satisfactory paper here payable within the time the acceptance matures, and of date prior to the 16th of October 1839, with the current exchange of 1 per cent.
On this request the ayes and noes were demanded, and were as follows:
Ayes—Messrs. Paul, Hardy, Wilson, Dickson, Southgate—5.
Noes—Dr. Andrews, Mr. Cornick—2.
Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cash'r.*

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At a meeting of the board on Wednesday the 30th October 1839:
Present—John Southgate, president *pro tem.*, George M'Intosh, Richard Dickson, Thomas F. Andrews, Samuel W. Paul, William J. Hardy.

Notes and bills offered,	$ 967 88
Amount discounted,	00 00
Domestic bills offered,	00 00
Amount purchased,	00 00

A proposition from Conway Whittle, collector, being under consideration, it was directed that the cashier endorse the checks of the merchants having duty bonds to pay, as good for so much specie, on their depositing the amount in current funds, with the addition of 10 per cent. on the amount of the check so endorsed, with the privilege of redemption in specie within 60 days from the date of such checks.
Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cash'r.*

At a meeting of the board on Saturday November 2d, 1839:
Present—John Southgate, president *pro tem.*, George M'Intosh, James Cornick, Richard Dickson, Thos. F. Andrews, Sam'l W. Paul, George Wilson, W. J. Hardy.

Notes and bills offered,	00 00
Amount discounted,	00 00
Domestic bills offered,	00 00
Amount purchased,	00 00

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cas.*

At a meeting of the board on Wednesday November 6, 1839:
Present—John Southgate, president *pro tem.*, George M'Intosh, Samuel W. Paul, James Cornick, Richard Dickson, W. J. Hardy.
No discounts made or domestic bills purchased.
Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cas.*

At a meeting of the board on Saturday November 9, 1839:
Present—John Southgate, president *pro tem.*, Richard Dickson, Samuel W. Paul, James Cornick, W. J. Hardy.
No discounts made this day.
Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Wednesday November 13th, 1839:
Present—John Southgate, president *pro tem.*, George M'Intosh, James Cornick, Richard Dickson, Samuel W. Paul, Thos. F. Andrews, W. J. Hardy.
Resolved, That the invitation to this board to join in a conference with the boards of the Bank of Virginia and the Farmers Bank be accepted, and that our president *pro tem.* John Southgate esq. be requested to attend the said conference as the representative of this board; but that being unacquainted with the views and wishes of the boards of the above-named banks, this board will after receiving the report of their president determine what course it will be expedient for us to adopt.
Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cas.*

At a meeting of the board on Saturday November 16th, 1839:
Present—John Southgate, president *pro tem.*, George M'Intosh, James Cornick, Richard Dickson, Sam'l W. Paul, Thos. F. Andrews, George Wilson, W. J. Hardy.
Nothing offered for discount—payments becoming due laid over.
Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

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At a meeting of the board on Wednesday November 20th, 1839:

Present—John Southgate, president *pro tem.*, George M'Intosh, George Wilson, Richard Dickson, James Cornick, Sam'l W. Paul.

Ordered, That the president *pro tem.*, Mr. M'Intosh and the cashier be a committee to prepare a memorial to the legislature on the subject of the late suspension of specie payments.

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a called meeting of the board of directors on Friday November 22, 1839:

Present—John Southgate, president *pro tem.*, George M'Intosh, Samuel W. Paul, Tho's Andrews, Richard Dickson, W. J. Hardy.

Resolved unanimously, That Mr. M'Intosh and Doct. Andrews be appointed a committee to proceed to Washington to make a tender to the government of the United States of the use and services of this institution for the reception and disbursement of the public funds on this station, the same being received in specie or specie paying drafts, will meet their demands at *all times* in the current coin of the United States; and that the said committee be authorized to offer as an ample security for the faithful performance of these duties a deposit with the government of 6 per cent. Virginia state stock to an amount equal to the average of their deposits.

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cas.*

At a meeting of the board on Saturday the 23d of November 1839:

Present—John Southgate, president *pro tem.*, George M'Intosh, Richard Dickson, James Cornick, Sam'l W. Paul, George Wilson, W. J. Hardy, Tho's F. Andrews.

The committee appointed on the 20th inst. to prepare a memorial to the legislature on the subject of the late suspension of specie payment made their report, which on being read and amended was unanimously adopted, and that the senator from this district and the representative from this borough be requested to present the same to their respective houses.

A motion was made to rescind the order of the 30th day of October last in relation to the endorsement of checks for the payment of duties to the collector, which was lost by the following vote:

Ayes—Messrs. M'Intosh, Hardy and Wilson.

Noes—Dr. Andrews, Messrs. Paul, Cornick and Southgate.

For sufficient reason appearing to the board Mr. Dickson was excused from voting.

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

At a meeting of the board on Wednesday November 27th, 1839:

Present—John Southgate, president *pro tem.*, James Cornick, Sam'l W. Paul, Richard Dickson.

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cas.*

At a meeting of the board on Saturday November 30th, 1839:

Present—John Southgate, president *pro tem.*, George M'Intosh, Thomas F. Andrews, Samuel W. Paul, Richard Dickson, W. J. Hardy.

Resolved unanimously, That on Wednesday next the 4th day of December the Exchange Bank of Virginia at Norfolk will pay on demand its circulation and all deposits made in specie or its equivalent in the current coin of the United States, and will moreover resume its regular discounting business. Those persons who have made deposits in notes or checks of non-specie-paying banks will be repaid in the same currency as per agreement.

Resolved, That a copy of the above resolution be inserted in the Norfolk papers, also transmitted to the hon'ble the secretary of the treasury, the navy and war departments at Washington, and the postmaster general, and to the disbursing officers of the United States on this station.

Adjourned to the board in course.

JOHN SOUTHGATE, *Pres't pro tem.*

W. SOUTHGATE, *Cashier.*

A true copy from the record.

W. SOUTHGATE, *Cas.*

JNO. SOUTHGATE, *Pres't pro tem.*

Norfolk, Dec. 30th, 1839.

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[Doc. No. 22.]

STATEMENT *shewing the amount of Notes and Bills offered, Rejected and Discounted at the Exchange Bank of Virginia in Norfolk, in compliance with a "Resolution of the Committee on Banks," from the 14th September to the 1st of December* 1839.

Date.	1st class, of $1000 and under.						2d class, over $1000 and not exceeding $10000.						3d class, over $10000 and not exceeding $20000.
	Notes.	Offered.	Notes.	Rejected.	Notes.	Discounted.	Notes.	Offered.	Notes.	Rejected.	Notes	Discounted.	
Sep. 14,	26	11588 90	8	2786 98	18	8801 92	5	8306 97	1	2556 97	4	5750 00	
" 18,	32	12864 86	15	6546 60	17	6318 26	7	11374 95	2	3555 50	5	7819 45	
" 21,	27	9804 70	18	3227 10	9	6577 60	5	12632 80	1	5437 90	4	7194 90	
" 25,	44	16088 96	27	9004 17	17	7084 79	8	14038 29	3	5345 00	5	8693 29	
" 28,	36	12236 75	24	7700 06	12	4536 69	1	1500 00	-	-	1	1500 00	
Oct. 2,	30	10152 04	13	3794 50	17	6357 54	4	11850 00	2	4500 00	2	7350 00	No note or bill offered in this class.
" 5,	24	7749 14	18	6687 96	6	1061 18	8	19998 68	4	5798 68	4	14200 00	
" 9,	26	7735 17	9	2780 15	17	4955 02	3	12565 00	-	-	3	12565 00	
" 12,	23	8634 18	9	2533 14	14	6101 04	9	29650 00	-	-	9	29650 00	
" 16,	33	14201 26	10	3794 53	23	10406 73	9	13117 47	3	3767 47	6	9350 00	
" 19,	36	14180 96	36	14180 96	-	-	7	18060 02	7	18060 02			
" 23,	7	3057 12	7	3057 12									
" 30,	2	967 88	2	967 88									
	346	129261 92	196	67061 15	150	62200 77	66	153094 18	23	49021 54	43	104072 64	

DOMESTIC BILLS OFFERED AND PURCHASED DURING THE SAME PERIOD.

Sep. 14,	1	748 16	-	-	1	748 16	6	8274 51	5	8274 51			
" 18,	4	3275 63	3	2309 59	1	966 04	4	9293 38	3	7762 75	1	1530 63	
" 21,	-	-	-	-	-	-	3	8365 44	2	6500 00	1	1865 44	
" 25,	4	1511 10	2	650 50	2	860 60	2	4645 65	2	4645 65		-	
" 28,	4	1440 50	3	1140 50	1	300 00	2	3048 44	1	1262 75	1	1785 69	
Oct. 2,	3	1228 29	-	-	3	1228 29	1	1394 26	-	-	1	1394 26	No bill offered in this class.
" 5,	3	2200 00	3	2200 00									
" 9,	3	1494 27	1	323 87	2	1170 40	1	1200 00	-	-	1	1200 00	
" 12,	2	825 21	1	323 87	1	501 34	1	2052 00	-	-	1	2052 00	
" 16,	2	1088 77	2	1088 77									
" 19,	3	1940 37	3	1940 37									
	29	15752 30	18	9977 47	11	5774 83	20	38273 68	13	28445 66	6	9828 02	

From the 30th October to the 1st of December nothing was offered for discount.
This bank has nothing due in the form of accommodation notes.
$ 35,900 discounted and renewed in the same form.
$ 145,976 26 amount of what is called real or business paper discounted and purchased.
$ 154,505 82 amount of what is called real or business paper rejected.

W. SOUTHGATE, *Cashier.*

JNO. SOUTHGATE, *President pro tem.*

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EXCHANGE BANK OF VIRGINIA—BRANCH AT RICHMOND.

OFFICE OF DISCOUNT AND DEPOSIT OF THE
EXCHANGE BANK OF VIRGINIA,
Richmond, Dec'r 30th, 1839.

SIR,

In compliance with a resolution of the committee on banks adopted on the 12th instant, the undersigned have prepared and now hand you herewith,

A copy of the minutes of the board of directors from the 18th September to the 28th November last, comprising all the meetings held within the time mentioned in the resolution.

A statement shewing the number and amount of bills and notes offered, discounted and rejected in the several classes designated by law, and for the same period. Appended to which is a note explanatory of the mode of conducting the business of the office, which is intended as an answer to the two last enquiries in regard to renewed or accommodation paper.

Very respectfully,

Your obedient servants,

JAMES CASKIE, *Pres't*,
W. P. STROTHER, *Cash'r*.

At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond, on Wednesday 18th September 1839:

Present—James Caskie, president, Ro. C. Williamson, H. L. Kent, E. B. Bentley, D. Anderson jr.

The president and cashier made a report of their dealings in foreign and inland bills of exchange since the last meeting.

Notes and bills were discounted as noted in the offering books, as follows:

Local paper,	- -	24,693 76
Inland bills,	- -	15,070 14
		$39,763 90

Mr. David Anderson jr. tendered his resignation as a director of this office, which was accepted, and thereupon Mr. John C. Hobson was unanimously elected to supply the vacancy.

Adjourned.

JAMES CASKIE, *Pres't*.

W. P. Strother, *Cash'r*.

At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond, on Wednesday 25th September 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Horace L. Kent.

The president and cashier made a report of their dealings in foreign and inland bills of exchange during the week.

Notes and bills were discounted as noted in the offering books, as follows:

Local paper,	- -	29,601 71
Inland bills,	- -	6,477 86
		$36,079 57

Adjourned.

JAMES CASKIE, *Pres't*.

W. P. Strother, *Cash'r*.

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At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond, on Wednesday October 2d, 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Horace L. Kent.

The committee appointed to examine the vault and ascertain the amount of cash on hand, submitted the following report:

OFFICE EXCHANGE BANK OF VIRGINIA,
RICHMOND, 30th September 1839.

The undersigned, a committee appointed by the board of directors for the examination of the effects of the office, report that they have performed that duty and found the evidences of,

Notes and bills discounted due to the office this day,	354,067 78
Domestic bills discounted, (with the exception of two acceptances amounting to $13,000 and payable in New York,) they found had been forwarded for collection,	266,470 69
Making a total of active debt of,	$620,538 47

And after a careful examination of the contents of the vault, they found the cash on hand to consist of,

Office notes,		119,780 00
Notes of the Exchange bank and branches,		11,325 00
Notes of and checks on banks in Virginia,		32,585 63
Notes of other banks,		1,563 00
Gold,	53,766 73	
Silver and cents,	21,270 23	
		75,036 96
Making a total of cash on hand,		$240,290 59

Of which there was in the possession of the cashier, 15 boxes and 1 keg specie deposited in the vault of the Farmers Bank of Virginia,	66,439 42
And in possession of the 1st teller, deposited in the iron chest in said office, the residue of specie and all the bank notes, amounting to the sum of,	173,851 17
	$240,290 59

All of which is in rule with the books of the office, agrees with the state of the office, and is respectfully submitted by

Your obedient servants,

JOHN C. HOBSON, } *Committee of*
HUGH W. FRY, } *examination.*

Ordered, That the foregoing report be received, and together with the state of the office and its exchange account, be forwarded to the Exchange Bank of Virginia.

Ordered, That in future the board will meet 10 o'clock A. M. on the regular discount days.

Notes and bills were discounted as noted in the offering books, as follows:

Local paper,	27,768 22
Inland bills,	6,558 98
	$34,327 20

Adjourned.

JAMES CASKIE, *Pres't.*

W. P. STROTHER, *Cash'r.*

At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Wednesday 9th October 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Hugh W. Fry, Horace L. Kent, Efford B. Bentley.

The president and cashier made a report of their dealings in foreign bills of exchange during the week.

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Notes and bills were discounted as noted in the offering-books as follows:

Local paper,	-	-	$ 36,361 43
Inland bills,	-	-	19,414 78
			$ 55,776 21

JAMES CASKIE, *President.*

W. P. STROTHER, *Cashier.*

At a called meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Friday October 11th, 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Efford B. Bentley, Hugh W. Fry, Horace L. Kent.

The following preamble and resolution were unanimously adopted:

Whereas information has been received that the banks of Philadelphia and Baltimore have temporarily suspended specie payments, thus involving a like necessity on our part, or of submitting to have our specie exhausted while the opportunity of obtaining a supply is denied to us:

Therefore resolved, That the president be authorized to act on our part in concert with the proper authorities of the other banks in this city on adopting such measures as may be deemed under existing circumstances to be proper and necessary for the protection of said institutions.

Resolved, That the obligation of the James river and Kanawha company for $ 7000 at sixty days with a pledge of $ 11,000 of city six per cent. stock be discounted.

And then the board adjourned to meet to-morrow morning at 9 o'clock.

JAMES CASKIE, *President.*

W. P. STROTHER, *Cashier.*

At an adjourned meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Saturday 12th October 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Hugh W. Fry, Efford B. Bentley, Horace L. Kent.

The president made the following report under the resolution adopted on yesterday:

RICHMOND, 11th October 1839.

At a meeting of the presidents of the Bank of Virginia, the Farmers Bank of Virginia and the Exchange Bank of Virginia at Richmond, who were appointed severally on behalf of their respective institutions to confer and decide what measures had become necessary for the protection of the banks resulting from the suspension of specie payments by the banks of Baltimore and Philadelphia:

Resolved, That it has become necessary by the course of the banks of Baltimore and Philadelphia and the unusual demands to which the banks of this city are thereby exposed for the Bank of Virginia, the Farmers Bank of Virginia and the Exchange Bank of Virginia at Richmond to suspend specie payments for the present.

WM. H. MACFARLAND, *Pres't F. B. of Va.*
JOHN BROCKENBROUGH, *Pres't Bank of Va.*
JAMES CASKIE, *Pres't Office D. and D. Exchange Bank of Va.*

On motion of Mr. Hobson,

Resolved unanimously, That the foregoing report be received and adopted.

On motion of Mr. Caskie the following preamble and resolution were adopted unanimously:

Whereas we consider it to be our duty under the temporary suspension of specie payments which has been resorted to for the purpose of protecting the interests of our state and its institutions to keep this bank prepared for resumption at any moment simultaneously with our other institutions:

Resolved, That the outstanding debt or discount line shall not be extended during the suspension, but shall be kept as low as it is now, say shall not exceed $ 600,000 upon our capital of $ 400,000.

Resolved, That the cashier be instructed to publish the foregoing proceedings together with the state of the office on this day.

Adjourned.

JAMES CASKIE, *President.*

W. P. STROTHER, *Cashier.*

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At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Wednesday 16th October 1839:

Present—James Caskie, president, John C. Hobson, R. C. Williamson, H. L. Kent, E. B. Bentley, H. W. Fry.

Ordered, That the cashier suspend for the present the publication resolved upon on the 12th instant.

After some progress had been made in discounting, Mr. Kent applied for and obtained leave of absence.

The cashier informed the board that having taken no foreign or inland bills there was no report to make.

Notes and bills were discounted as usual, viz:

Under the resolution of the 11th instant, local,		7,000 00
This day,	"	42,155 97
		49,155 97
Inland bills,	-	4,632 90
		$53,788 87

Adjourned.

JAMES CASKIE, *President.*

W. P. Strother, *Cashier.*

At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Wednesday October 23d, 1839:

Present—James Caskie, president, Corbin Warwick, John C. Hobson, Ro. C. Williamson, H. L. Kent, E. B. Bentley.

The president and cashier made a report of their dealings in foreign bills of exchange during the week.

Notes and bills were discounted as noted in the offering-books as follows:

Local paper,	- -	41,251 32
Inland bills,	- -	15,817 66
		$57,068 98

Adjourned.

JAMES CASKIE, *Pres't.*

W. P. Strother, *Cash'r.*

At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Wednesday October 30th, 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Hugh W. Fry, Horace L. Kent, Efford B. Bentley.

The president and cashier made a report of their dealings in foreign bills of exchange during the week.

Notes and bills were discounted as noted in the offering-books as follows:

Local paper,	- -	67,531 88
Inland bills,	- -	17,487 35
		$85,019 23

Adjourned.

JAMES CASKIE, *Pres't.*

W. P. Strother, *Cash'r.*

At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Wednesday November 6th, 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Hugh W. Fry, Horace L. Kent, Efford B. Bentley,

No dealings occurred in foreign and inland bills of exchange since the last meeting.

Notes and bills were discounted as noted in the offering-books, as follows:

Local paper,	- -	25,641 17
Inland bills,	- -	16,705 45
		$42,346 62

Adjourned.

JAMES CASKIE, *Pres't.*

W. P. Strother, *Cash'r.*

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At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Wednesday November 13th, 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Hugh W. Fry, H. L. Kent.

The president and cashier made a report of their dealings in foreign bills of exchange.

Notes and bills were discounted as noted in the offering-books, as follows:

Local paper,	- -	46,666 69
Inland bills,	- -	9,533 58
		$56,200 27

Adjourned.

JAMES CASKIE, *Pres't.*

W. P. STROTHER, *Cash'r.*

At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Wednesday November 20th, 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Horace L. Kent.

No dealings occurred in foreign or inland bills of exchange since the last meeting.

Notes and bills were discounted as noted in the offering-books, as follows:

Local paper,	- -	37,756 61
Inland bills,	- -	15,555 79
		$53,312 40

Adjourned.

JAMES CASKIE, *Pres't.*

W. P. STROTHER, *Cash'r.*

At a meeting of the president and directors of the office of discount and deposit of the Exchange Bank of Virginia at Richmond on Wednesday 27th November 1839:

Present—James Caskie, president, John C. Hobson, Ro. C. Williamson, Horace L. Kent, Hugh W. Fry, Efford B. Bentley.

The president and cashier made a report of their dealings in foreign and inland bills of exchange since the last meeting.

Notes and bills were discounted as noted in the offering-books, as follows:

Local paper,	- -	31,373 55
Inland bills,	- -	19,595 48
		$50,969 03

Adjourned.

JAMES CASKIE, *Pres't.*

W. P. STROTHER, *Cash'r.*

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Notes and Bills offered and discounted at the Office of the Exchange Bank of Virginia at Richmond from September 15th to December 1st, 1839.

Date.	1st class, $1000 and under.				2d class, over $1000 and not exceeding $10000.				3d class, over $10000 and not exceeding $30000.
	Notes.	Offered.	Notes.	Discounted.	Notes	Offered.	Notes.	Discounted.	
1839,									
Sep. 18,	86	34538 07	46	18413 91	27	42754 24	13	21349 99	
" 25,	105	39466 02	45	21261 81	17	33400 76	9	14817 76	
Oct. 2,	100	37871 06	47	20610 56	22	46164 90	8	13716 64	
" 9,	127	59149 73	55	26080 36	23	45670 06	15	29695 85	No bill or note offered in 3d class.
" 16,	93	42287 82	54	24473 66	21	42304 24	13	29315 21	
" 23,	116	47252 71	68	28302 31	27	46533 33	17	28766 67	
" 30,	120	56387 39	54	22270 78	44	88186 21	31	62748 45	
Nov. 6,	121	44537 28	42	12519 67	27	45656 26	17	29826 95	
" 13,	114	46068 50	56	26202 15	23	48257 71	16	29998 12	
" 20,	98	42178 45	46	22242 03	24	46317 88	16	31070 37	
" 27,	92	29596 58	39	23165 73	21	41169 88	13	27803 30	
	1172	479333 61	552	245542 97	276	526415 47	168	319109 31	

		Offered.		Discounted.		Rejected.	
First class, - -	1172	479333 61	552	245542 97	620	233790 64	Disc'ted notes average 444 82 1st class.
Second class, -	276	526415 47	168	319109 31	108	307306 16	Do. do. 1899 46 2d class.
	1448	1005749 08	720	564652 28	728	441096 80	

Note.—In conducting the business of this department the board of directors have adopted as a general rule not to renew paper, not that the same persons may not have been payers or discountees of notes or bills during the whole time that the bank has been in operation, but that every bill or note which may be offered is voted upon as circumstances at the time seem to render expedient and proper. There exists no contract or understanding which would give parties previously accommodated the right to expect that paper offered by them would be discounted in preference to any other before the board. With this explanation the whole outstanding debt is regarded as business or real paper.

JAMES CASKIE, *President.*

W. P. Strother, *Cashier.*

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EXCHANGE BANK OF VIRGINIA—BRANCH AT PETERSBURG.

BRANCH EXCHANGE BANK,
PETERSBURG, 4th January 1840.

N. E. VENABLE Esq., *Chairman &c.*

DEAR SIR,

I have the honour to hand you enclosed an extract from the offering books of this bank from the 15th September to 1st December last, inclusive, also an extract from the minute book (or journal of the proceedings of the board of directors) for the same period.

Most respectfully,

Your obedient servant,

JAMES MACFARLAND, *President.*

A copy of the Minute Book of the Board of Directors of the Branch of the Exchange Bank of Virginia in Petersburg from the 15th September 1839 to the 1st December 1839.

At a board of directors on Wednesday the 18th September 1839:
Present—Henry Whyte, president *pro tem.*, George H. Jones, Rich'd Furt and James B. Cogbill.
After discounting the paper marked A. the board adjourned.

HENRY WHYTE, *President pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on Wednesday the 25th September 1839:
Present—Henry Whyte, president *pro tem.*, George W. Bolling, George H. Jones, James B. Cogbill, Richard Furt.
Ordered, That G. W. Bolling, Rich'd Furt and B. P. Todd be appointed a committee to count the cash and effects of the bank and compare the same with the books and make report to the board.
And after discounting the paper marked A. the board adjourned.

H. WHYTE, *President pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on Wednesday the 2d October 1839:
Present—Henry Whyte, president *pro tem.*, Rich'd Furt, Geo. W. Bolling, James B. Cogbill.
The committee appointed by the board of directors on the 25th ultimo for the examination of the vault and the effects of the office, report they have performed that duty and submit the following report, which was accepted:
The undersigned a committee appointed on the 25th of September by the board of directors of the office of the Branch Exchange Bank of Virginia at Petersburg for the examination of the vault and the effects of the office, report that they have performed that duty and found the evidences of

Notes and bills discounted, - - - - - -	373,864 61
Domestic bills outstanding they found had been forwarded to their respective places of payment amounting to - - - - - -	220,864 34
Making a total of active deposites of - - -	$594,728 95

And after a careful examination of the contents of the vault they found the cash on hand to consist of

Office notes, - - - - -	34,080 00	
Silver and cents, - - - -	2,664 90	
Gold in vault, - - - - -	55,570 48	
Silver in vault, - - - -	10,025 00	
Foreign notes, - - - -	50,527 00	
Virginia notes and checks, - - - -	17,365 01	
Making a total of cash on hand of - -		$170,232 39

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All of which is in rule with the books of the office, agrees with the state of the bank, and is respectfully submitted by your committee.

GEORGE W. BOLLING,
RICHARD FURT,
BARTELOTT P. TODD.

After discounting the paper marked A. the board adjourned.

HENRY WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on Wednesday the 9th of October 1839:
Present—Henry Whyte, president *pro tem.*, B. P. Todd, Richard Furt, George W. Bolling, George H. Jones and James B. Cogbill.
After discounting the paper marked A. the board adjourned.

H. WHYTE, *Pres't pro. tem.*

P. DURKIN, *Cashier.*

At a called meeting of the board of directors on Saturday the 12th of October 1839:
Present—H. Whyte, president *pro tem.*, B. P. Todd, Richard Furt, George W. Bolling, George H. Jones and James B. Cogbill.
And the board adjourned without transacting any business till next Monday at 10 o'clock, A. M.

H. WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

At an adjourned meeting of the board of directors on Monday the 14th October 1839:
Present—H. Whyte, president *pro tem.*, Geo. H. Jones, Rich'd Furt, B. P. Todd and Jas. B. Cogbill.
The board adjourned without transacting any business.

H. WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on Wednesday the 16th of October 1839:
Present—Henry Whyte, president *pro tem.*, Geo. W. Bolling, Geo. H. Jones, James B. Cogbill and Richard Furt.
After discounting the paper marked A. the board adjourned.

HENRY WHYTE, *President pro tem.*

P. DURKIN, *Cashier.*

At a special meeting of the board of directors on Friday the 18th October 1839:
Present—Henry Whyte, president *pro tem.*, Geo. W. Bolling, Geo. H. Jones, B. P. Todd, Jas. B. Cogbill and Richard Furt.
Resolved unanimously, That it is inexpedient to suspend specie payment at this bank at present.

H. WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on Wednesday the 23d of October 1839:
Present—Henry Whyte, president *pro tem.*, Geo. H. Jones, Geo. W. Bolling, Richard Furt, B. P. Todd and Jas. B. Cogbill.
After discounting the paper marked A. the board adjourned.

H. WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on Wednesday the 30th of October 1839:
Present—H. Whyte, president *pro tem.*, Rich'd Furt, Geo. W. Bolling, Geo. H. Jones, B. P. Todd and Jas. B. Cogbill.
After discounting the paper marked A. the board adjourned.

H. WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

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At a board of directors on Wednesday the 6th of November 1839:
Present—H. Whyte, president *pro tem.*, Geo. H. Jones, Richard Furt, Geo. W. Bolling, James B. Cogbill and B. P. Todd.
After discounting the paper marked A. the board adjourned.

H. WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on Wednesday the 13th of November 1839:
Present—Henry Whyte, president *pro tem.*, Geo. H. Jones, Rich'd Furt, B. P. Todd, Geo. W. Bolling and Jas. B. Cogbill.
After discounting the paper marked A. the board adjourned.

H. WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on the 20th November 1839:
Present—Henry Whyte, president *pro tem.*, Geo. H. Jones, B. P. Todd, Richard Furt, James B. Cogbill and Geo. W. Bolling.
After discounting the paper marked A. the board adjourned.

HENRY WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

At a board of directors on Wednesday the 27th November 1839:
Present—H. Whyte, president *pro tem.*, Geo. H. Jones, Jas. B. Cogbill, Geo. W. Bolling, Rich'd Furt and B. P. Todd.
After discounting the paper marked A. the board adjourned.

HENRY WHYTE, *Pres't pro tem.*

P. DURKIN, *Cashier.*

A true copy from the minutes.

P. DURKIN, *Cashier.*

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Extract from the Offering Books of the Branch Exchange Bank of Virginia at Petersburg from the 15th of September to the 1st of December 1839.

		1st class, $1000 and under.			2d class, over $1000 to $10000.			3d class, over $10000 to 20000.		
When offered.	Character.	Offered.	Discounted.	Rejected.	Offered.	Discounted.	Rejected.	Offered.	Discounted.	Rejected.
1839.										
Sept. 18,	Real,	6210 66	5909 28	301 38	4090 58	4090 58				
	Floating,	5800 00	5250 00	550 00	15500 00	9800 00	5700 00			
	Bills of exchange,	4925 48	4420 11	505 37	19421 50	15300 00	4121 50			
	Total,	16936 14	15579 39	1356 75	39012 08	29190 58	9821 50			
" 25,	Real,	7881 41	7556 73	324 68	11482 90	8082 90	2500 00			
	Floating,	3610 00	3010 00	600 00	20100 00	19600 00	500 00			
	Bills of exchange,	1554 26	1554 26	-	7700 00	7700 00				
	Total,	13045 67	12120 99	924 68	39282 90	39282 90	3000 00			
Oct. 2,	Real,	7224 97	7224 97	-	6771 96	3515 40	3256 56			
	Floating,	2500 00	2500 00	-	19600 00	14600 00	5000 00			
	Bills of exchange,	1343 39	418 87	924 52	15500 00	15500 00				
	Total,	11068 36	10143 84	924 52	41871 96	33615 40	8256 56			
" 9,	Real,	4172 11	4131 43	40 68	26752 93	21520 60	5232 33			
	Floating,	6207 13	5707 13	500 00	22750 00	22750 00	-	11520 00	5000 00	6520 00
	Bills of exchange,	1900 00	1900 00	-	18571 26	16200 56	2370 70			
	Total,	12279 24	11738 56	540 68	68074 19	60471 16	7603 03	11520 00	5000 00	6520 00
" 16,	Real,	4820 29	1180 64	3639 65	28754 43	6275 20	22479 23			
	Floating,	3130 00	2725 00	405 00	21250 00	18250 00	3000 00			
	Bills of exchange,	6748 01	4020 00	2728 01	22118 88	14714 94	7403 94			
	Total,	14698 30	7925 64	6772 66	72123 31	39240 14	32883 17			
" 23,	Real,	4410 35	-	4410 35	9232 71	7522 46	1710 25			
	Floating,	3205 00	2805 00	400 00	49846 94	38833 98	11012 96			
	Bills of exchange,	2662 42	1249 13	1413 29	23608 91	-	23608 91			
	Total,	10277 77	4054 13	6223 64	82688 56	46356 44	36332 12			
" 30,	Real,	1918 38	935 75	982 63	7529 25	4710 25	2819 00			
	Floating,	2175 00	2175 00	-	16904 00	16904 00				
	Bills of exchange,	935 89	305 89	630 00	6446 97	-	6446 97			
	Total,	5029 27	3416 64	1612 63	30940 22	21674 25	9265 97			
Nov. 6,	Real,	2529 87	2029 87	500 00	5080 20	5080 20				
	Floating,	5450 00	4450 00	1000 00	46589 52	44939 52	1650 00			
	Bills of exchange,	1100 00	1100 00	-	10463 63	10463 63				
	Total,	9079 87	7579 87	1500 00	62133 35	60483 35	1650 00			
" 13,	Real,	2260 88	2260 88	-	10705 76	10705 76				
	Floating,	4950 00	4950 00	-	30100 00	30100 00				
	Bills of exchange,	2033 02	2033 02	-	20583 79	20583 79				
	Total,	9243 90	9243 90	-	61389 55	61389 55				
" 20,	Real,	2904 66	1726 64	1178 02	3310 00	1100 00	2210 00			
	Floating,	2250 00	2250 00	-	25825 00	22825 00	3000 00	12279 22	-	12279 22
	Bills of exchange,	3274 86	3274 86	-	19923 00	11297 20	8626 20			
	Total,	8429 52	7251 50	1178 02	49058 00	35222 20	13836 20	12279 22	-	12279 22
" 27,	Real,	2940 37	1108 12	1832 25	9435 24	5513 97	3921 27			
	Floating,	2185 00	2185 00	-	9900 00	7900 00	2000 00			
	Bills of exchange,	2983 08	2733 08	250 00	7860 39	7860 39				
	Total,	8108 45	6026 20	2082 25	27195 63	21274 36	5921 27			

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EXCHANGE BANK OF VIRGINIA—BRANCH AT CLARKESVILLE.

OFFICE EXCHANGE BANK OF VIRGINIA,
CLARKESVILLE, 30th December 1839.

NATH'L E. VENABLE Esq., *Chairman of the Committee on Banks:*

DEAR SIR,

In compliance with the resolution of the committee on banks passed the 12th December 1839, (a copy of which was furnished me by W. P. Strother esq. cashier, &c.), I have the honour herewith to submit a copy of the minute book or journal of directors from the fifteenth day of September to the first day of December instant: a statement of the amount in the *aggregate* of "Notes and bills" and "Domestic bills" offered for discount in each of the classes required by law to be made; and the amount discounted and rejected in each; the amount of "Notes and bills" which had been discounted and renewed in the same form; and the amount of debts due in the form of accommodation notes on the 18th September and also on the 30th November last.

These statements have been made out in the absence of any instructions from the parent bank at Norfolk, and without being able to obtain the *law* requiring the *classification* of notes offered for discount, &c., and I have therefore only given the aggregate of all the notes in each class and not the amount of each particular note offered and rejected on each discount day. They, I fear, are not such as the committee wished or intended by their resolution, but are such, however, as I understood it called for; and should any explanations, information or other statements be called for, I shall give them most cheerfully.

All of which is respectfully submitted.

I am very respectfully,

Your most obedient servant,

A. C. FINLEY, *Cash'r.*

OFFICE EXCHANGE BANK OF VIRGINIA AT CLARKESVILLE.

Copy of the proceedings of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville from the fifteenth day of September last to first day of December instant, viz. 1839.

1839—Sept'r 18.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at the banking house on Wednesday the 18th September 1839:

Present—A. W. Venable, president, F. W. Venable, Tucker Carrington and Wm. Townes.

The board proceeded to business by discounting as per offering books, viz:

Notes and bills,	-	16,394 09
Domestic bills purchased,	-	1,000 00
Total,		$17394 09

On motion adjourned to meet on Wednesday next.

A. W. VENABLE, *Pres't.*

NATH'L TALLEY, *Teller.*

Sept'r 25.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 25th September 1839:

Present—Sam'l V. Watkins, president *pro tem.*, Henry M. Daniel, F. W. Venable and Beverly Sydnor.

The board proceeded to business by discounting as per offering books, viz:

Notes and bills,	-	19,153 00
Domestic bills purchased,	-	7,222 08
		$26,375 08

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Messrs. F. W. Venable, T. Carrington and B. Sydnor were appointed a committee to examine the contents of the vault, and the state of this office on the 30th instant.

On motion adjourned to meet at this place on Wednesday next.

SAM'L V. WATKINS, *Pres't pro tem.*

A. C. FINLEY, *Cash'r.*

Oct'r 2.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 2d October 1839:

Present—A. W. Venable, president, Tucker Carrington, F. W. Venable and Sam'l V. Watkins.

The committee appointed at the last meeting of the board to examine the contents of the vault, and the effects and books of this office on the 30th day of September last, herewith present their report; which being read and examined, was approved and ordered to be registered in the journal of proceedings and filed with the papers of this office, viz:

"OFFICE EXCHANGE BANK OF VIRGINIA,
CLARKESVILLE, 30th September 1839.

The undersigned, a committee appointed by the board of directors of the office of the Exchange Bank of Virginia at Clarkesville for the examination of the vault and the effects of the office, report that they have performed that duty, and found the evidence of

Notes and bills discounted due to the bank at Clarkesville on the 30th September 1839,		194,282 13
Domestic bills outstanding, they found had been forwarded to their respective places of payment, amounting to,		111,786 34
Making a total of active debt of		$306,068 47

And after a careful examination of the contents of the vault they found the cash on hand to consist of

	Gold,	48,632 76	
	Silver,	8,000 00	
	Cents,	25 00	
			56,657 76
Teller's cash, viz:	Office notes,	23,980 00	
	Exchange bank and branches,	660 00	
	Farmers bank and branches,	2,767 00	
	Bank of Virginia and branches,	2,773 00	
	Banks in North Carolina,	1,746 00	
	Bank U. States,	240 00	
	Bank of the Valley,	25 00	
	Specie change,	247 75	
			32,439 75
Making a total of cash on hand of			$89,096 51

All of which is in rule with the books of the office, agree with the state of the bank, and is respectfully submitted.

(Signed)

F. W. VENABLE,
TUCKER CARRINGTON."

The board further proceeded to business by discounting paper as per offering books, viz:

Notes and bills,	34,432 46
Domestic bills purchased,	600 00
	$35,032 46

On motion adjourned to meet at this place on Wednesday next.

A. W. VENABLE, *Pres't.*

A. C. FINLEY, *Cash'r.*

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Oct'r 9.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 9th October 1839:

Present—Samuel V. Watkins, president *pro tem.*, T. Carrington, H. M. Daniel and F. W. Venable.

The board proceeded to business by discounting paper as per offering books, viz:

Notes and bills,	-	70,362 52
Domestic bills purchased,	-	5,522 38
		$75,884 90

On motion adjourned to meet at this place on Wednesday next.

SAM'L V. WATKINS, *Pres't pro tem.*

A. C. FINLEY, *Cash'r.*

Oct'r 16.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 16th October 1839:

Present—A. W. Venable, president, Tucker Carrington, H. M. Daniel, Samuel V. Watkins and F. W. Venable.

Copies of resolutions passed by the Exchange Bank of Virginia at Norfolk on the 11th instant, and by the presidents of the three banks in the city of Richmond on the same day, on the subject of a suspension of specie payments by the banks, were read to the board: Whereupon,

Resolved, As a matter of precaution that all notes falling due here this day and unpaid be *protested* unless the endorsers thereon waive protest, &c. in writing; and that no discounts be made this day.

On motion adjourned to meet on Wednesday next the 23d instant.

A. W. VENABLE, *Pres't.*

A. C. FINLEY, *Cash'r.*

Oct'r 23.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 23d October 1839:

Present—A. W. Venable, president, Tuck. Carrington, H. M. Daniel and F. W. Venable.

The board discounted no paper.

Ordered, That the *ten per cent. curtail* upon accommodation paper falling due be received and *entered as a credit* upon the notes.

On motion adjourned to meet on Wednesday the 30th instant.

A. W. VENABLE, *Pres't.*

A. C. FINLEY, *Cash'r.*

Oct'r 24.—At a called meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia, held at their banking house at Clarkesville, on Thursday the 24th October 1839:

Present—A. W. Venable, president, T. Carrington, H. M. Daniel, Sam'l V. Watkins and F. W. Venable.

The board unanimously *Resolved*, To discount *good* drafts at sixty days to a moderate extent to sustain the trade and business of this place, and so as not to exceed the current receipts or to *increase our present discount line*; and further that ———'s draft on ——— at 60 days for $1800 be discounted when offered.

Also *Resolved*, That our distant acceptances (drafts discounted and sent abroad for collection) *may be held up* by the payers or drawees giving written waivers of protest, &c., or notes signed by the payers and endorsed by the drawers and endorsers, with an *additional satisfactory endorser*, payable on demand without offset, as collateral security.

On motion adjourned to meet on Wednesday the 30th instant.

A. W. VENABLE, *Pres't.*

A. C. FINLEY, *Cash'r.*

Oct'r 30.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 30th October 1839:

Present—A. W. Venable, president, T. Carrington, H. M. Daniel, Wm. Townes, Beverly Sydnor, Sam'l V. Watkins and F. W. Venable.

Resolved, That ———'s draft at 90 days on ——— for $1000 be discounted when presented.

On motion adjourned to meet on Wednesday next the 6th of November 1839.

A. W. VENABLE, *Pres't.*

A. C. FINLEY, *Cash'r.*

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Nov'r 6.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 6th November 1839:

Present—T. Carrington, president *pro tem.*, F. W. Venable.

There being no business requiring the particular attention of the board,

On motion adjourned to meet on Wednesday next the 13th instant.

T. CARRINGTON, *Pres't pro tem.*

A. C. FINLEY, *Cash'r.*

Nov'r 13.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 13th of November 1839:

Present—A. W. Venable, president, T. Carrington, H. M. Daniel, Sam'l V. Watkins and F. W. Venable.

The board agreed to discount ———'s draft on ——— for $1000 at 90 days.

On motion adjourned to meet on Wednesday the 20th instant.

A. W. VENABLE, *Pres't.*

A. C. FINLEY, *Cash'r.*

Nov'r 20.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 20th November 1839:

Present—A. W. Venable, president, Wm. Townes, B. Sydnor, Sam'l V. Watkins and H. M. Daniel.

The board proceeded to business by discounting as per domestic bill book, viz: - - $2367 08

On motion adjourned to meet on Wednesday the 27th instant.

A. W. VENABLE, *Pres't.*

A. C. FINLEY, *Cash'r.*

Nov'r 27.—At a meeting of the board of directors of the office of discount and deposit of the Exchange Bank of Virginia at Clarkesville, held at their banking house on Wednesday the 27th of November 1839:

Present—A. W. Venable, president, T. Carrington, F. W. Venable, Sam'l V. Watkins and H. M. Daniel.

The board proceeded to business by discounting paper as per domestic bill book, viz: - $3,200 00

In order to ascertain the *nett gain* of this office for the six months ending the 30th instant, and to balance our books on that day,

On motion, *Resolved*, That those persons who have rented tenements belonging to this office for the *present year* be requested to settle their rents on *that day;* and that the rent of the rooms, garden, &c. occupied by Mr. Talley (teller, &c.) be reduced from one hundred and twenty dollars per annum, as originally agreed upon, to sixty dollars for the time occupied by him, in consequence of the rooms, &c. undergoing repairs while in his occupancy. That Edward Wiltse's rent for rooms occupied by him be at the rate of ninety dollars per annum, commencing on the 17th day of December 1838. And that Doctor Wilson's rent for the rooms, garden and stable (occupied by Mr. Talley until the 19th of October last,) commence on the 20th of October 1839, and be at the rate of one hundred and twenty dollars per annum; and the rent for the little office of fifty dollars per annum, subject to the use of the board on discount days.

On motion adjourned to meet on Wednesday the 4th day of December next.

A. W. VENABLE, *Pres't.*

A. C. FINLEY, *Cash'r.*

The foregoing is a true copy from the journal of directors.

A. C. FINLEY, *Cashier.*

28th December 1839.

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[Doc. No. 22.]

OFFICE EXCHANGE BANK OF VIRGINIA AT CLARKESVILLE.

A STATEMENT *shewing the aggregate amount of "Notes and Bills" and "Domestic Bills," Offered, Rejected and Discounted from 15th September last to 1st December* 1839.

DATE OF OFFERING	Aggregate amount offered.					Aggregate amount Rejected.					Aggregate amount Discounted.					TOTAL DISCOUNTED.
	Aggregate amount of bills in sums of $500 and under.	Do. sums over $500 and under $1000.	do. sums over $1000 and under $5000.	do. sums over $5000 and under $10000.	do. over $10000.	Aggregate amount rejected in sums of $500 and under.	do. sums over $500 and under $1000.	do. sums over $1000 and under $5000.	do. sums over $5000 and under $10000.	do. sums over $10000.	Aggregate amount discounted in sums of $500 and under.	do. sums over $500 and under $1000.	do. sums over $1000 and under $5000.	do. sums over $5000 and under $10000.	do sums over $10000.	
1839.																
September 18,	447 68	1266 11	9226 41	6000 00	-	-	546 11	-	-	-	447 68	720 00	9226 41	6000 00	-	16394 09
" 25,	1700 00	3128 00	17325 00	-	-	-	-	3000 00	-	-	1700 00	3128 00	14325 00	-	-	19153 00
October 2,	600 00	1590 00	10750 00	21492 46	-	-	-	-	-	-	600 00	1590 00	10750 00	21492 46	-	34432 46
" 9,	450 00	537 42	30009 84	26872 96	15048 11	-	-	418 82	-	2136 99	450 00	537 42	29591 02	26872 96	12911 12	70362 52
"Notes & bills,"	3197 68	6521 53	67311 25	54365 42	15048 11	-	546 11	3418 82	-	2136 99	3197 68	5975 42	63892 43	54365 42	12911 12	140342 07
1839.																
September 18,	1000 00	2000 00	-	-	-	-	2000 00	-	-	-	1000 00	-	-	-	-	1000 00
" 25,	428 96	3993 12	2800 00	-	-	-	-	-	-	-	428 96	3993 12	2800 00	-	-	7222 08
October 2,	500 00	600 00	-	-	-	500 00	-	-	-	-	-	600 00	-	-	-	600 00
" 9,	300 00	872 38	4350 00	-	-	-	-	-	-	-	300 00	872 38	4350 00	-	-	5522 38
" 26,	-	932 19	1800 00	-	-	-	-	-	-	-	-	932 19	1800 00	-	-	2732 19
November 5,	-	1000 00	-	-	-	-	-	-	-	-	-	1000 00	-	-	-	1000 00
" 13,	-	1000 00	-	-	-	-	-	-	-	-	-	1000 00	-	-	-	1000 00
" 20,	167 08	1824 03	1200 00	-	-	-	824 03	-	-	-	167 08	1000 00	1200 00	-	-	2367 08
" 27,	250 00	1750 00	1200 00	-	-	-	-	-	-	-	250 00	1750 00	1200 00	-	-	3200 00
" 30,	-	800 00	-	-	-	-	-	-	-	-	-	800 00	-	-	-	800 00
"Domestic bills,"	2646 04	14771 72	11350 00	-	-	500 00	2824 03	-	-	-	2146 04	11947 69	11350 00	-	-	25443 73

Aggregate "amount of Notes and Bills which had been Discounted and renewed in same form."

1839.											
September 18,	-	-	1900 00	6000 00	-	(95 shares stock, this bank pledged,)	-	-	1900 00	6000 00	-	7900 00
" 25,	450 00	900 00	2500 00	-	-	(65 Do. do. do.	450 00	900 00	2500 00	-	-	3850 00
October 2,	-	-	8500 00	21492 46	-	(155 Do. pledged for part only,)	-	-	8500 00	21492 46	-	29992 46
" 9,	450 00	537 43	18832 88	26872 96	15048 11	(155 Do. do. do.	450 00	537 43	18832 88	26872 96	12911 12	69604 39
	900 00	1437 43	31732 88	54365 42	15048 11	2136 99	900 00	1437 43	31732 88	54365 42	12911 12	101346 85

"Amount of Debts due in the form of accommodation notes."

1839—September 18,	Total amount of "Notes and Bills" running to maturity, - - - - - - - -		191,697 99
	Of which there has been discounted on 550 shares stock of this bank at about $90 per share, - - - - - - -	39,150 13	
	Do. this amount payable in instalments at short time, say 4, 6, 8 months, &c. - - - - - - -	74,201 11	
	Do. this amount of accommodation paper *interest only* payable until March 1840, - - - - - - -	78,346 85	
			191,697 99
November 30,	Total amount of notes and bills part *past due*, none having been renewed since 9th October last, - - - - - - -		187,006 13
	Of which this amount on 550 shares as above, - - - - - - - - -	39,200 13	
	amount payable in instalments as above, - - - - - - - - -	69,459 15	
	amount of accommodation paper as above, - - - - - - - - -	78,346 85	
			187,006 13

E. E.

30th December, 1839.

A. C. FINLEY, *Cashier.*

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EXCHANGE BANK,
CLARKESVILLE, January 3d, 1840.

NATHANIEL E. VENABLE ESQ.,
Chairman of the Bank commitcee of the House of Delegates:

DR. SIR,

Enclosed you will receive a statement of the office of the branch of the Exchange Bank at Clarkesville. The condition of the institution at three different periods, to wit, 18th September 1839, 30th November and the 31st of December, is there fully disclosed. The committee will perceive that our board have gone on to curtail the business of the bank with as much rapidity as it was at all prudent for them to do, considering the circumstances of the bank and those indebted to it. Our discount line on the 18th September 1839, was $297,311 25 and our circulation $204,230 with a deposit of $25,390 59. On the 30th of November it was $232,335 01, the circulation $183,525, and deposits $25,328 28, shewing a decrease in the discount line of $64,676 24, of circulation $20,705, with about the same amount of deposits. It is proper here to remark that we have requested the departments in Petersburg and Richmond to retain *our notes* to the extent of the balances due this office, and that accordingly $18,395 have been sealed up in the Richmond office, and is considered by us as redeemed, so that our present circulation may be fairly estimated at $163,245, and our specie at $51,703 76. It is proper here to remark, and we particularly call the attention of the committee to the fact, that this office has never suspended specie payments, but have uniformly met all demands, both for circulation and deposits, both before and after the suspension of the other banks. This statement is made to correct a misapprehension which seems to have produced a contrary statement from a high quarter as to the suspension of all the banks and branches in the state except one or two named. I am satisfied that the board of directors will pursue the policy of keeping down the line of discounts as much as possible in order to a complete preparation for the general resumption, which it is presumed must take place at no distant date. This communication is addressed to your committee at the express instance and request of the board of directors.

With great respect,

Your obedient servant,

A. W. VENABLE,
President of the Office of the Exchange Bank at Clarkesville.

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State of the Office Exchange Bank of Virginia

Notes and bills discounted on personal security, - -	152,547 86		
on 550 shares this bank, -	39,150 13		
		191,697 99	
Domestic bills purchased, - - - -		105,613 26	
			297,311 25
Exchange Bank of Virginia, - - - -		15,831 76	
Office of ditto Richmond, - - -		647 53	
Ditto ditto Petersburg, - - -		1,144 61	
			17,623 90
Distant banks, viz: Bank U. States, Phila. - - -		373 91	
Ditto in N. York, - - -		4,846 91	
Off. Farmers Bank of Va. Danville, - -		3 82	
			5,224 64
Banking house and lot, (at cost,) - - - -		-	7,913 27
Expenses, (contingencies,) - - - -		31 78	
Salaries, - - - - -		987 51	
			1,019 29
Cash balance per ledger, - - - -		96,968 74	
Less office notes on hand, - - -		26,770 00	
			70,198 74
Viz: Exchange Bank and branches, - - -		5,575 00	
Virginia Banks, - - - -		2,754 00	
Other banks, - - - -		4,170 00	
Gold, - - - -	49,076 34		
Silver &c. - - -	8,623 40		
		57,699 74	
			$399,291 09

State of the Office on

Notes and bills discounted, viz:			
On personal security, - - -	147,806 30		
On 550 shares this bank, - -	39,200 13		
		187,006 43	
Domestic bills purchased, - - - -		45,328 58	
			232,335 01
Office Exchange Bank of Va. Richmond, - - -		29,789 44	
Ditto ditto Petersburg, - - -		24,065 48	
			53,854 92
Distant banks, viz: Bank U. States, Phila., - - -		462 53	
Ditto in N. York, - - -		1,833 83	
Off. Farmers Bank, Petersburg, - -		166 37	
Ditto ditto Danville, - -		3 82	
			2,466 55
Banking house and lot, (cost,) - - - -		-	8,363 90
Protest account, - - - - -		-	32 35
Cash balance per ledger, - - - -		131,197 29	
Less office notes on hand, - - -		47,475 00	
			83,722 29
Viz: Exchange Bank and branches, - - -		22,775 00	
Virginia Banks, - - - -		6,626 00	
Other banks, - - - -		2,173 00	
Gold, - - - -	33,219 75		
Silver &c. - - -	18,928 54		
		52,148 29	
			$380,775 02

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at Clarkesville, 18th September (morning) 1839.

Capital stock assigned this office,			160,000 00
Office notes per ledger,	231,000 00		
* Less on hand,	26,770 00		
In circulation,			204,230 00
Distant banks, viz: Office Farmers Bank of Virginia Petersburg,	799 00		
Ditto Bank of Virginia Danville,	3,376 43		
			4,175 43
Dividends unclaimed, *No.* 2,			429 00
Discount and interest,	5,038 36		
Exchange account,	27 71		
			5,066 07
Individual deposits,			25,390 59

* In C's,	6,900 on hand.
L,	7,600
XX,	4,500
XV,	3,870
X,	3,908
	$26,770

$399,291 09

the 30th November 1839.

Capital stock assigned,			166,000 00
Office notes per ledger,	231,000 00		
* Less on hand,	47,475 00		
In circulation,			183,525 00
Exchange Bank of Virginia,			3,183 00
Distant banks, viz: Bank of Virginia,	708 13		
Office of ditto Danville,	1,741 86		
			2,449 99
Dividends unclaimed, *No.* 2,			288 75
Individual deposits,			25,328 28

* In C's,	18,400
L,	12,850
XX,	5,920
XV,	6,105
X,	4,200
	$47,475

$380,775 02

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State of the office on 31st

Notes and bills discounted, viz:				
On personal security, - -		146,198 62		
On 550 shares this bank, - -		39,200 13		
			185,398 75	
Domestic bills purchased, - - - -			52,622 59	
				238,021 34
Office Exchange Bank, Richmond, - - -			28,848 13	
Ditto Ditto Petersburg, - - -			21,776 56	
				50,624 69
Distant banks, viz: Bank U. States, Philadelphia, - -			1,961 15	
Ditto in New York, - - -			279 81	
Office Farmers bank, Petersburg, - -			266 37	
Ditto Ditto Danville, - -			6 77	
				2,514 10
Banking house and lot, (at cost,) - - -			-	8,363 90
Expenses, (contingencies,) - - - -			16 37	
Salaries, - - - -			329 17	
				345 54
Protest account, - - - - -			-	29 40
Cash per ledger, - - - - -			124,115 91	
Less office notes on hand, - -			48,360 00	
				75,755 91
*Viz: Exchange Bank and branches, - -			19,530 00	
Virginia Banks, - - -			1,573 00	
Other Banks, - - -			2,949 00	
Gold, - - -		32,986 47		
Silver and cents, - -		18,717 29		
			51,703 76	
	Short,	-	15	
			75,755 91	
				$375,654 88

*Norfolk notes,	-	9,280
Petersburg notes,	-	9,510
Richmond notes,	-	740
		$19,530

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December (*evening*) 1839.

Capital stock assigned,			166,000 00
Office notes per ledger,	231,000 00		
*Less on hand,	48,360 00		
In circulation,			182,640 00
Exchange Bank of Virginia,			4,743 00
Distant Banks, viz: Bank of Virginia,			287 45
Discount and interest,	504 27		
Exchange account,	382 83		
			887 10
Individual deposits,			21,097 33

*In C's,	18,500
L,	13,100
XX,	6,120
XV,	6,330
X,	4,310
	$48,360

$375,654 88

In addition to the sum of $48,360 *office notes on hand*, there is $18,395 *sealed up* in the office at Richmond, and charged to account of *this* office on the 30th November last, but *not yet received here*.

A. W. VENABLE, *President*.

A. C. FINLEY, *Cas*.

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[DOC. No. 23.]

STATEMENTS

OF THE

BANK OF THE VALLEY IN VIRGINIA AND BRANCHES,

In reply to a Resolution of the Committee on Banks.

BANK OF THE VALLEY IN VA.
WINCHESTER, January 4th, 1840.

NATH'L E. VENABLE, Esq.
Chairman of the Committee on Banks.

DEAR SIR,

We have the honour herewith to hand statements marked A. and B. in answer to a resolution of the committee on banks, passed December 12th, 1839, and communicated in your favour of the same date.

These statements it is hoped will be found to contain all the information contemplated by the resolution, as it has been our earnest desire they should.

The officers of the branches of this bank at Romney, Charlestown and Leesburg were immediately upon the receipt of the resolution furnished with copies, and to prevent delay were requested to furnish direct to yourself the information desired, which it is hoped either has been or will be furnished in due time.

We are, very respectfully,

Your ob't servants,

OBED WAITE, *Pres't.*
H. M. BRENT, *Cash'r.*

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(A.)

Extract from the Minutes of the Proceedings of the Board of Directors of the Bank of the Valley in Virginia, in answer to a Resolution of the Committee on Banks of the House of Delegates, passed December 12th, 1839.

At a meeting of the board of directors of the Bank of the Valley in Virginia held the 20th day of September 1839:

Present—Obed Waite, president, Daniel Gold, T. A. Tidball, A. S. Baldwin, Wm. Stephenson, David W. Barton, directors.

For proceedings, see offering-book.

OBED WAITE, *Pres't.*

At a meeting of the board of directors of the Bank of the Valley in Virginia held the 27th day of September 1839:

Present—Obed Waite, president, Daniel Gold, Wm. Stephenson, Jacob Baker, A. S. Baldwin, D. W. Barton, T. A. Tidball, John Irwin, directors.

It being represented to the board that there is in the hands of Aaron Hibberd, adm'r *de bonis non* with the will annexed of Edward Beeson deceased, a further sum of $113 67 liable to the claim of this bank due to the office at Charlestown, for which a suit in chancery was prosecuted in the circuit superior court of law and chancery of Berkeley county against the said administrator and others, which the said Aaron Hibberd is willing to pay on being indemnified by the execution of a bond by the bank conditioned as the law directs in ordinary cases between executor and legatees, *mutatis mutandis*, as mentioned in the decree in said suit: Therefore,

Resolved, That the president do execute such bond with the corporate seal of this bank affixed.

The board after full consultation directed the president to reply to the communication of B. G. Baldwin and others of the 30th of August.

For other proceedings see offering-book.

OBED WAITE, *Pres't.*

At a meeting of the board of directors of the Bank of the Valley in Virginia held the 14th day of October 1839:

Present—Obed Waite, president, Daniel Gold, Jacob Baker, A. S. Baldwin, Wm. Stephenson, T. A. Tidball, David W. Barton, John Miller, directors.

The board having discounted sundry bills and notes, for which see offering-book,

On motion of David W. Barton unanimously adopted the following preamble and resolution:

Information having been received that the banks of Philadelphia, Baltimore, the District of Columbia and the city of Richmond have suspended specie payments, and that the condition of the moneyed affairs of the whole country render it almost certain that their example will be universally followed, it would in the opinion of this board be worse than fruitless for this bank to struggle longer against the inevitable necessity of the times:

Resolved therefore, That it is expedient forthwith for this institution to suspend specie payments, and that the officers of the mother bank and the several branches shall govern themselves accordingly.

OBED WAITE, *Pres't.*

At a meeting of the board of directors of the Bank of the Valley in Virginia held the 18th day of October 1839:

Present—Obed Waite, president, Daniel Gold, T. A. Tidball, John Miller, John Irwin, directors.

The board having on the 14th instant suspended specie payments, now deems it inexpedient to renew any notes or make any new discounts, or to do any act not authorized by the 5th section of the act of assembly passed March 22d, 1837. And the board doth direct that all notes falling due this day and not paid be protested, unless the endorsers shall by writing in due form waive the necessity of such protest and hold themselves bound to the same extent as if such notes were regularly protested.

OBED WAITE, *Pres't.*

At a meeting of the board of directors of the Bank of the Valley in Virginia held the 1st day of November 1839:

Present—Obed Waite, president, Daniel Gold, A. S. Baldwin, Jacob Baker, T. A. Tidball, John Miller, John Irwin, David W. Barton, directors.

The question as to the legal authority of the bank to make new discounts having been fully and freely discussed,

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On motion of Mr. Barton the following preamble and resolution were unanimously adopted:

This board having on the 14th day of October 1839, resolved to suspend specie payments, and the question being now made as to the legal authority of the bank to make new discounts since the adoption of that resolution: It is unanimously

Resolved, That whatever may be the extent of the legal power of the bank since the act of suspension, it is in the opinion of this board inexpedient to make new discounts or to do any other act or acts than such as are clearly prescribed in the 5th section of the act of March 22d, 1837; and the officers of the bank are directed to govern themselves accordingly.

OBED WAITE, *Pres't.*

At a meeting of the board of directors of the Bank of the Valley in Virginia held the 8th day of November 1839:

Present—Obed Waite, president, Dan'l Gold, T. A. Tidball, John Miller, David W. Barton, Jacob Baker, John Irwin, directors.

Mr. Gold, Mr. Baker and Mr. Barton were appointed a committee to examine the debts due the bank and make such report as they may deem proper.

OBED WAITE, *Pres't.*

At a meeting of the board of directors of the Bank of the Valley in Virginia held the 15th day of November 1839:

Present—Obed Waite, president, Daniel Gold, T. A. Tidball, Wm. Stephenson, John Miller, John Irwin, Jacob Baker, directors.

The committee appointed on the 8th inst. made a report which was adopted by the board.

Resolved, That the cashier be and is hereby authorized and directed to pay to Wm. Byrne twenty dollars for a half note of this bank—he having produced satisfactory evidence that the other half has been lost, and executed a bond of indemnity.

OBED WAITE, *Pres't.*

Meetings of the board, special or stated, were also held on the 16th, 17th, 18th, 19th, 21st, 23d, 24th, 26th, 28th and 30th of September, and on the 1st, 2d, 3d, 4th, 5th, 7th, 8th, 9th, 10th, 11th and 12th of October, at which no other proceedings took place than to decide on the offerings for discount, and the only order made in such cases is "For proceedings see offering book"—as in the example here given—see September 20th.

Between the 14th of October (the day on which this bank suspended specie payments) and the 1st day of December, the board met weekly, but except in the instances here given, transacted no business, and after examining into the condition of the bank adjourned.

OBED WAITE, *Pres't.*

H. M. BRENT, *Cash'r.*

(B.)

Statement shewing the amount of Notes and Bills offered for discount at the Bank of the Valley in Virginia in each of the classes required by law to be made, and the amount discounted and rejected in each &c. from the 15th day of September to the 15th day of October 1839, *in answer to a Resolution of the Committee on Banks, passed December 12th*, 1839.

Amount offered in class No. 1,		239,317 01
Amount offered in class No. 2,		241,627 00
Amount offered in class No. 3,		00 00
Total amount offered,		$480,944 01

Of which there was discounted:

In class No. 1,	180,540 04	
" " " 2,	193,245 50	
" " " 3,	00 00	
Total amount discounted,		$373,785 54

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And rejected in class No. 1, - - - - - -	58,776 97
" " 2, - - - - - -	48,381 50
" " 3, - - - - - -	00 00
Total amount rejected, - - - -	$107,158 47

Whole number of bills and notes offered from the 15th of September to the 15th of October 1839, -	516
Whole number of bills and notes discounted, - - - - -	394
Number rejected, - - - - -	122

Of the 394 bills and notes discounted 215 were in sums from $20 to $500 inclusive.

The committee will see from this and the accompanying statement that this bank did not discount or renew any bill or note after the 14th of October, until relieved by the legislature of the disabilities incurred by the suspension of specie payments.

This part of the response to the resolution is therefore necessarily confined to the operations of the bank for thirty days, and the following statement it is believed will shew in the most intelligible form the character of all the debts due this bank.

The total amount of bills and notes discounted by and due the mother bank on the 1st day of Jan'y 1840 was $604,235 05, to wit:

Amount due in the form of accommodation notes, - - - -	164,182 95
Amount of notes and bills which had been discounted and renewed in the same form, -	277,657 31
Amount of real or business paper, - - - - -	162,394 79
	$604,235 05

It is proper to state that the proportion of real or business paper is much less at this time than is usual, which is readily accounted for by the fact that no new discounts were made from the 14th of October to the 14th of December, during which time a large proportion of that description of paper had matured and was paid.

The total amount of bills and notes discounted and due this bank on the 14th of October was	738,452 34
The total amount on the 14th of December was - - - -	569,730 16
Shewing a decrease of - -	$168,722 18

nearly all of which was of that class of debts.

The same circumstance, the suspension of discounts for so long a period as two months, has caused a considerable increase in the amount of paper of the second class, which it was expressly understood at the time the discounts were made would be paid at maturity, but which the parties were unable to do under the pressure of the times without ruinous sacrifices, and the bank was compelled to permit many notes of this class to lie over for the time, and since the relief granted by the legislature to extend the time of payment by renewal.

OBED WAITE, *Pres't.*

H. M. BRENT, *Cash'r.*

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BANK OF THE VALLEY IN VIRGINIA—BRANCH AT LEESBURG.

OFFICE DISCOUNT AND DEPOSIT,
Leesburg, December 27, 1839.

Nath'l E. Venable Esq.,

SIR, Enclosed you will receive the papers called for by the resolution of the committee on banks of the 12th instant, of which you are chairman.

Very respectfully,

Your obed't serv't,

RICH'D H. HENDERSON, *Pres't.*

The following is a copy of the minute-book or journal of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Leesburg, from the 15th day of September 1839 to the 1st of December, shewing all the proceedings of the board.

Friday September the 20th, 1839.—Present, the president and six directors.

Resolved, That we discount thirty-nine thousand seven hundred and two dollars and fifty cents.

(Signed) RICH'D H. HENDERSON, *Pres't.*

Friday September the 27th, 1839—no board.

Friday October 4th, 1839.—Present, the president and eight directors.

Resolved, That we discount twenty-eight thousand and fifty dollars and twenty-one cents.

In obedience to the resolution adopted on the 13th inst. the cashier and teller made their reports which were read, and on motion they were referred to Messrs. Hanson, Tyler, Gray and Harding with instructions to report thereon.

Messrs. Tyler and Janney appointed a committee to examine the official bonds of the officers of this bank, made their report which was accepted, and on motion it was

Resolved, That the said officers execute new bonds with good security, and lay the same before the board.

(Signed) RICH'D H. HENDERSON, *Pres't.*

Friday October the 11th, 1839.—Present, the president and nine directors.

Resolved, That we discount nineteen thousand one hundred and fifty-five dollars.

(Signed) RICH'D H. HENDERSON, *Pres't.*

At a meeting called by the president, Saturday October the 12th, 1839.—Present, the president and seven directors.

Intelligence having been received by this board that the banks of Philadelphia, Baltimore and Washington have suspended specie payments, and being desirous to provide the best funds in our power for the payment of our deposits when called for in the event that the Bank of the Valley shall be compelled to suspend:

Resolved, That the note of ——— for $ 25,000 endorsed by ——— and ——— be discounted for the purpose of enabling him to exchange the proceeds thereof with the depositors for their checks on this office. Which note has since been paid off.

(Signed) RICH'D H. HENDERSON, *Pres't.*

The bank having suspended, the board did not meet thereafter till the 20th December.

(Teste) RICH'D H. HENDERSON, *Pres't.*

Sam'l M. Edwards, *Cas.*

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The following is a statement "shewing the amount of notes or bills offered for discount in each of the classes required by law to be made, and the amount discounted and rejected in each; the amount of debts due in the form of accommodation notes; the amount of notes and bills that had been discounted and renewed in the same form; and the amount of what is called real or business paper discounted and rejected from the 15th of September to the 1st of December" 1839, at the office of discount and deposit of the Bank of the Valley in Virginia at Leesburg, viz:

Amount offered in the 1st class of $1000 and under,	$48,497 50
Amount discounted in ditto,	30,984 16
Amount rejected or not discounted in ditto,	17,815 00
Amount offered in the 2nd class of over $1000 and not exceeding $10,000,	62,833 00
Amount discounted in ditto,	55,923 55
Amount rejected or not discounted in ditto,	6,909 45
Amount in the 3rd class—none offered.	
One for $25,000 discounted and paid since,	25,000 00
Amount of debts due in the form of accommodation notes 1st December,	209,960 80
Amount of notes and bills which had been discounted and renewed in the same form,	63,024 96
Amount of what is called real or business paper discounted,	34,830 05
Amount of like paper rejected or not discounted,	24,724 45

(Teste)

RICH'D H. HENDERSON, *Pres't.*

SAM'L M. EDWARDS, *Cas.*

BANK OF THE VALLEY IN VIRGINIA—BRANCH AT CHARLESTOWN.

In compliance with a resolution of the committee on banks adopted on the 12th day of December 1839 requiring the president and cashier of each of the banks of this state and their branches to furnish to the said committee a copy of their respective minute-books or journals from the 15th of September to the 1st of December last, and to furnish other information relating to the business of each of said banks and branches, the undersigned, president and cashier of the office of discount and deposit of the Bank of the Valley in Virginia at Charlestown, make the following statements, and subjoin a copy of the minute-book shewing all the proceedings of the board of directors of said office between the periods above mentioned.

Amount of Bills and Notes offered for discount at the said Office between said periods:

OF THE FIRST CLASS.

Discounted,	49,803 44
Rejected,	19,692 42
Total offered,	$69,496 86

OF THE SECOND CLASS.

Discounted,	48,733 33
Rejected,	37,245 00
Total offered,	$85,978 33

No notes or bills of the third class were offered.

On the 15th of September 1839 the accommodation notes amounted to	$113,655
And on the first of December 1839 to	112,635

The notes existing on the 1st of December 1839 "which had been discounted and renewed in the same form" amounted to $112,835. They consist of the accommodation paper above mentioned and a sixty day

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note of $200, which was once renewed agreeably to an arrangement made when the loan was procured. It is possible some other notes of the same kind were renewed within the same period, but none such can be ascertained.

The real or business paper discounted between the 15th of September and 1st of December 1839 amounted to - - - - $21,598 44

The real or business paper rejected between the same periods amounted to 23,662 42

The following is a copy of the minutes of the board of directors of said office from the 15th of September to the 1st of December 1839:

OFFICE OF THE BANK OF THE VALLEY IN VIRGINIA,
CHARLESTOWN, September 20th, 1839.

Directors present to-day as per adjournment:

Thomas Griggs, president, John Yates, M. Frame, John Stephenson, M. Ranson, Jos. T. Daugherty, George W. Humphreys and B. C. Washington.

Amount of notes offered for discount, -	$ 36,447
Amount discounted, - - -	32,867

Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, SEPTEMBER 27th, 1839.

Directors present to-day as per adjournment:

Thomas Griggs jr. president, John Yates, M. Ranson, B. C. Washington, G. W. Humphreys, J. T. Daugherty, Andrew Kennedy, Jacob Morgan, G. B. Wager, John Stephenson and M. Frame.

Amount of notes offered for discount, -	$ 43,765
Amount discounted, - - -	37,155

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, OCTOBER 4th, 1839.

Directors present to-day as per adjournment:

Thomas Griggs, president, M. Frame, J. Stephenson, Geo. W. Humphreys, John Yates and B. C. Washington.

The following directors or any three of them were appointed a committee to count the funds of the bank and make report thereof: John Yates, George W. Humphreys, Jno. Stephenson, A. Kennedy and Gerard B. Wager.

Amount of notes offered for discount, -	$ 27,036 44
Amount discounted, - -	8,751 44

Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, October 11th, 1839.

Directors present to-day as per adjournment:

Thomas Griggs, president, John Yates, M. Frame, G. B. Wager, J. Stephenson, B. C. Washington, G. W. Humphreys and J. T. Daugherty.

William Brown resigned his appointment as cashier; whereupon Cato Moore was appointed cashier and William N. Craighill clerk—salaries as heretofore. The said cashier and clerk gave their bonds, which were accepted: the usual oath to each was administered for the faithful performance of the duties. The following resolution was offered by Mr. Yates:

Resolved unanimously, That on accepting the resignation of William Brown esq., late cashier of this office, the president and directors feel it incumbent to accord their entire satisfaction at the diligence and fidelity with which he has discharged the duties of his office as far back as our knowledge extends.

Resolved, That the president furnish Mr. Brown with a copy of the above resolution.

The committee who were appointed on Friday last to count the funds of the bank make the following report:

We the undersigned appointed to count the money in the bank have with much care and labour performed that duty, and we find on hand in specie forty-three thousand nine hundred and forty-six dollars and five cents, and in paper of this office ninety-five thousand seven hundred and thirty dollars; in foreign paper fourteen thou-

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sand five hundred and forty-six dollars and forty-nine cents, which agrees with the several entries on the books of the bank, except an excess of sixty-eight cents, which sum of money was delivered in our presence by William Brown to Cato Moore. Given under our hands this 10th day of October 1839.

GEO. W. HUMPHREYS,
JOHN YATES,
JNO. STEPHENSON.

Specie, - - - - -		43,946 05
Foreign paper, which includes $20 counterfeit, and a receipt given by Geo. Chambers for claim on Green Castle Bank for $75 49,		14,546 49
Office paper, - - - -		95,730 00
		$154,222 54
Balance in bank 10th October 1839 per settlement, -		154,221 86
Excess,		68

Ordered, That the report of the counting committee this day made be recorded on the minute-book at length, and that the late cashier William Brown be permitted to have a copy of the report.

Amount offered for discount, - - -	$78,225 75
Amount discounted, - - - -	49,273 33

Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, October 14th, 1839.

At a special meeting of the directors of this office on this 14th of October 1839:

Present—Thomas Griggs, president, M. Frame, Geo. W. Humphreys, M. Ranson, B. C. Washington, Jos. T. Daugherty and John Stephenson.

Information having been received by letter from H. M. Brent, cashier of the Valley Bank, that the Bank of Virginia, the Farmers Bank of Virginia and the Exchange Bank had suspended specie payments, and that the Bank of the Valley would suspend the payment of specie on this day at Winchester:

Resolved, That Cato Moore, cashier of this office, do at once suspend the payment of specie for all claims against this office until the further order of this board.

Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, October 18th, 1839.

Directors present to-day as per adjournment:

Thomas Griggs, president, M. Frame, John Yates, John Stephenson, Geo. W. Humphreys, Gerard B. Wager and Jacob Morgan.

No notes discounted.

Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, October 25th, 1839.

Directors present to-day as per adjournment:

Thomas Griggs, president, M. Frame, Geo. W. Humphreys, John Stephenson, John Yates, Andrew Kennedy, Jos. T. Daugherty and Jacob Morgan.

Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, November 1st, 1839.

Directors present to-day as per adjournment:

Thomas Griggs, president, J. Morgan, John Yates, M. Frame, M. Ranson, Jos. T. Daugherty, George W. Humphreys, John Stephenson and B. C. Washington.

No notes discounted.

Adjourned to discount day in course.

THOMAS GRIGGS.

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OFFICE, &c. CHARLESTOWN, NOVEMBER 8th, 1839.

Directors present to-day as per adjournment:
Thomas Griggs, president, Jacob Morgan, John Yates, J. T. Daugherty, Geo. W. Humphreys, B. C. Washington, M. Ranson, M. Frame and John Stephenson.
No notes discounted.
Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, NOVEMBER 15th, 1839.

Directors present to-day as per adjournment:
Thomas Griggs, president, Jacob Morgan, M. Ranson, John Yates, Andrew Kennedy, M. Frame, G. W. Humphreys, B. C. Washington and John Stephenson.
No notes discounted.
Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, NOVEMBER 22d, 1839.

Directors present to-day as per adjournment:
Thomas Griggs, president, George W. Humphreys, John Stephenson, Gerard B. Wager, John Yates and And. Kennedy.
No notes discounted.
Adjourned to discount day in course.

THOMAS GRIGGS.

OFFICE, &c. CHARLESTOWN, NOVEMBER 29th, 1839.

Directors present to-day as per adjournment:
Thomas Griggs, president, And. Kennedy, Geo. W. Humphreys, John Stephenson, John Yates, M. Ranson and Gerard B. Wager.
No notes discounted.
Adjourned to discount day in course.

THOMAS GRIGGS.

No offering or discounts were made after the 11th of October 1839, and after the 14th of October no business was done at said office except paying and receiving debts.

All of which is respectfully submitted.

THOMAS GRIGGS, *Pres't.*
C. MOORE, *Cashier.*

December 20th, 1839.

To NATHANIEL E. VENABLE, Esq.
Chairman of the Committee on Banks.

NOTE.—It is proper to state that on the 11th of October, the last discount day before the suspension of specie payments, the directors of this office discounted a note drawn by Cato Moore (amply endorsed) for the sum of $ 30,000 for the purpose of enabling him in the event of a deficiency of foreign paper to pay such depositors as might check for their money; the board supposing that such payment would not be a banking operation and was not prohibited by the law. No such deficiency occurred and no part of the $ 30,000 was used or taken out of the bank, and the note thus discounted has consequently been paid up.

This note is not included in any of the foregoing statements, because it does not belong to either of the three classes fixed by law and mentioned in the resolution of the committee.

THOMAS GRIGGS, *Pres't.*
C. MOORE, *Cashier.*

December 20th, 1839.

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BANK OF THE VALLEY IN VIRGINIA—BRANCH AT ROMNEY.

Copy of the Minute-book of the Office of the Bank of the Valley in Virginia at Romney, from the 15th September to the 1st December 1839.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, Friday September 20th, 1839:

Present—David Gibson, president, Isaac Pancake, Michael Millar, James Gibson, Christopher Heiskill, John B. White, William Vance, directors.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, Friday the 27th September 1839:

Present—David Gibson, president, William Naylor, John B. White, James Gibson, Vauze Fox, John Donaldson, William Vance, Isaac Pancake, Michael Millar, Garret W. Blue, directors.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a special meeting of the president and directors of the office of the Bank of the Valley in Virginia at Romney, October 1st, 1839:

Present—David Gibson, president, William Naylor, Isaac Pancake, John B. White, William Vance, James Gibson, Garret W. Blue, directors.

The board having transacted the business for which they were convened, on motion,

Resolved, That they adjourn till discount day in course.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, October 4th, 1839:

Present—David Gibson, president, John Peeru, Garret W. Blue, John B. White, James Gibson, William Vance, William Naylor, directors.

Henry M. Inskeep, clerk in this office, laid his bond before the board, which was received and retained by the president.

The board having transacted the business before them, on motion,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, Friday October 11th, 1839:

Present—David Gibson, president, Vauze Fox, John Peeru, John B. White, William Vance, Jas. Gibson, Isaac Pancake, C. Heiskill, directors.

The board having transacted the business of the day,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a special meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, October 14th, 1839:

Present—David Gibson, president, James Gibson, John B. White, William Vance, Christ'r Heiskill, Isaac Pancake, John Peeru, Vauze Fox, directors.

Having received information from the mother bank through her cashier, Henry M. Brent, by express this day, advising of the suspension of the Bank of Virginia, the Farmers Bank and Exchange Bank, and of the Bank of the Valley,

Resolved by this board, That this office suspend specie payments from this day.

DAVID GIBSON.

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At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, October 18, 1839:

Present—David Gibson, president, Wm. Naylor, John B. White, Jas. Gibson, John Peeru, John Donaldson, Garret W. Blue, Vauze Fox, directors.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, October 25, 1839:

Present—David Gibson, president, Isaac Pancake, Garret W. Blue, Vauze Fox, John B. White, William Naylor, Wm. Vance, directors.

Having transacted the business of the board,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, Friday November 1, 1839:

Present—David Gibson, president, James Gibson, Wm. Naylor, John B. White, John Peeru, Isaac Pancake, Michael Millar, Christ'r Heiskill, Garret W. Blue, directors.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, November 8, 1839:

Present—David Gibson, president, Wm. Naylor, John B. White, Wm. Vance, Garret W. Blue, Isaac Pancake, Michael Millar, Vauze Fox, James Gibson.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, Friday November 15, 1839:

Present—David Gibson, president, James Gibson, John B. White, Wm. Naylor, Isaac Pancake, Michael Millar, Garret W. Blue.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, Friday 22d Nov. 1839:

Present—David Gibson, president, James Gibson, Vauze Fox, Garret W. Blue, Isaac Pancake, John B. White, Wm. Vance, directors.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

DAVID GIBSON.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, Friday Nov. 29, 1839:

The president being absent appointed J. B. White, president *pro tem.*, during his absence.

Present—John Baker White, president *pro tem.*, Isaac Pancake, James Gibson, Wm. Vance, Wm. Naylor, Michael Millar, John Brady, directors.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

JOHN B. WHITE.

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At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, December 6, 1839:

Present—John Baker White, president *pro tem.*, Isaac Pancake, Michael Millar, John Peeru, John Donaldson, Wm. Vance, Vauze Fox, Jas. Gibson, directors.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

JOHN B. WHITE.

At a meeting of the president and directors of the office of discount and deposit of the Bank of the Valley in Virginia at Romney, Friday December 13, 1839:

Present—John Baker White, president *pro tem.*, James Gibson, Garret W. Blue, John Peeru, Wm. Vance, Isaac Pancake, Wm. Naylor, directors.

The board having transacted the business of the day, on motion,

Resolved, That they adjourn till next discount day.

JOHN B. WHITE.

Bills and Notes Discounted at the Office of the Bank of the Valley in Virginia at Romney, from the 15th day of September to 1st of December 1839.

		Amount offered.	Amount Rejected.	Amount Discounted.	Special loans or business paper.	Accommodation.	Total amount Discounted.
1839.							
Sept'r 20,	Amount of 1st class,	17595 00	825 00	16770 00	16770 00		
" "	Do. 2d class,	13044 00	1000 00	12044 00	12044 00	-	28814 00
" 27,	Do. 1st class,	15131 00	1950 00	13181 00	13181 00	-	13181 00
" "	Do. 2d class,	50096 00	-	50096 00	27902 00	22194 00	50096 00
Oct'r 1,	Do. 2d class, special meeting,	5000 00	-	5000 00	5000 00	-	5000 00
" 4,	Do. 1st class,	10509 00	815 00	9694 00	9193 00	501 00	9694 00
" "	Do. 2d class,	12156 00	-	12156 00	6076 00	6080 00	12156 00
" 11,	Do. 1st class,	6850 00	-	6850 00	6850 00		
" "	Do. 2d class,	22226 00	-	22226 00	22226 00	-	29076 00
					119242 00	28775 00	

On the 14th day of October specie payments were suspended, since which and until after the first day of December there were no notes or bills discounted at this office.

Total amount of bills and notes due this office 1st December,	362,800 39
Total amount of what may strictly be called accommodation paper,	55,417 00
Special loans,	$307,383 39

NOTE.—Perhaps $100,000 or upwards of the above sum of $307,383 39 was loaned for short periods, but in consequence of the failure of the crops and other causes have been renewed from time to time for the last two or three years, the bank always reserving to itself the right at any moment to call in the whole or any part of these loans.

All of which is respectfully submitted.

JNO. M'DOWELL, *Cashier.*

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[DOC. No. 24.]

REPORT OF THE FARMERS BANK OF VIRGINIA.

FARMERS BANK OF VIRGINIA, JANUARY 11th, 1840.

SIR,

I have the honour to enclose a copy of a report submitted to the stockholders of this bank at the annual meeting held the 7th inst., which by a resolution I was instructed to lay before the general assembly.

I have the honour to be,

With great respect,

Your obedient servant,

WM. H. MACFARLAND, *President.*

To THOMAS W. GILMER, ESQ.
Speaker of the House of Delegates, &c.

At the annual meeting of the stockholders of the Farmers Bank of Virginia held the 7th day of January 1840, the president submitted the following report; whereupon it was resolved,

"That the report submitted by the president be adopted, and as a further evidence of the concurrence of this meeting in the views therein presented, the said report be published and a copy thereof laid before the general assembly now in session."

REPORT.

It has not been usual to do more at the annual meeting of the stockholders of this bank than to present a compendious yet clear statement of the general condition of the institution. The usage in that respect has been complied with on this occasion, as appears by the tabular statements now exhibited; but the recent suspension of specie payments and the alterations introduced into the charter of the bank since the last annual meeting seem to call for an additional report.

The board of the mother bank deemed it necessary to resolve to suspend specie payments temporarily the 12th of October last. The resolution was adopted by the directors under a painful sense of their obligations to the institution and to the public, upon full consideration of the weighty and delicate points which it behooved them to consider.

It must be known to all those any way familiar with the course of business between this city and the cities of Philadelphia and Baltimore, that a suspension by their banks of necessity exposes our own to the most serious and perplexing embarrassments. They are the points from which a large portion of our circulation is returned to be redeemed; which under ordinary circumstances is effected by checks drawn upon funds which our banks are enabled to provide in those cities. It may be safely assumed that eight-tenths of the notes returned upon our banks for specie or to be exchanged for other funds, come from Baltimore and Philadelphia; and the demands have of late been so frequent that it would scarcely be an exaggeration to describe them as daily.

It hence appears why a suspension in the northern cities must be attended by serious consequences to our banks. The funds on which they are accustomed to rely for the redemption of their notes become unavailing; and drafts discounted with an eye to the accumulation of such funds are made of less value than obligations

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payable at home. Whilst the available means of the banks would be thereby greatly diminished, the demands for specie would be multiplied. For the suspension in the cities before mentioned would not tend to keep the circulation of our banks out, but on the contrary to throw it more rapidly back upon them. When specie is at a premium of 8 per cent. in Baltimore and Philadelphia, and it was for a time as high as 12, the strong inducements to the holders of notes and depositors to press upon the banks would be generally yielded to.

The condition of this bank at the date of the resolution to suspend, was such as to warrant confidence in its ability to meet any thing short of an unexpected and extraordinary crisis. Compared with former years it was in a state of more than ordinary security. The directory had been impressed with the importance of strengthening the bank, and had applied itself to that end as carefully as a just regard to its effects upon the great interest of the community seemed to authorize. The line of discounts had been reduced since the beginning of the year, and along with it the circulation and deposits had been brought down. But yet the bank was not in a condition to abide with safety the disastrous reverse to which it was unexpectedly exposed by the suspension of the northern banks. It was apprehended that the unequal intercourse which would supervene thereupon, would expose the bank to the speedy loss of its specie to supply the foreign demand for it; and hence it would be also lost to the circulation of the state. And as the chance of replenishing its coin was effectually cut off by the course of the northern banks, an impartial regard to the rights of every creditor whose claims could not all be satisfied in coin, as well as urgent considerations of policy seemed to leave but one alternative. As a suspension was in the end unavoidable upon any prudent and discreet plan of conducting the affairs of the bank, the resolution did but anticipate what with widely different consequences to the community and the bank, must have ensued if events had been left to their own course.

It is admitted that the foregoing view places our banks in a state of dependence upon the course of banks elsewhere, that exposes them to suffer by their mismanagement and indiscretion. The fact is so, and is equally true of the banks of any other state or country connected with other points or places by active commercial relations. Its explanation is to be sought in the laws of trade that regulate the commerce of every people, whether domestic or international, and exert a controlling influence wholly independent of all conventional arrangements. It may be granted that the liability of the banks of our state to suffer by the misconduct of those of another, is to some degree a condition from which they cannot wholly escape, but it may reconcile us to know that if banks were dispensed with altogether, the sympathy between different communities would still exist, and under any conceivable form of commercial economy would carry the disastrous consequences of a revulsion beyond the limits of the country in which it originated. And the opinion may be hazarded, that the calamities attendant upon such an occurrence, in extent and intensity would be aggravated, and a recovery from the pressure of an evil time retarded, for the want of that very bank agency which has been erroneously supposed to be the head spring of the mischief.

It is not intended to say that no change can be made in the mode of conducting the bank, which will not serve to render it more independent of other banks and better able to stand the shock of commercial vicissitudes. A change forcibly recommended by the experience of recent years would be to restrict discounts to paper of a strictly commercial and business character having but a few months to run, and which was intended to be paid at maturity. It is known that a different practice has prevailed in this and other banks of the state from their foundation, and that it has led to the creation of a large accommodation debt. The effect of such debt is to detract from the ability of the bank to contribute to the wants of an active and expanding commerce, and to leave the institution greatly more exposed than if its discounts were confined to notes to be paid at maturity. The directory through the past year endeavoured to conform their course to this suggestion in respect to all new applications for loans, and required the old accommodation line to be reduced. It would comport neither with sound policy nor the understanding with which this debt in years past was contracted to insist upon its too rapid payment; but if due regard be had to the collection of it, as it may be expedient from time to time to call it in, and care be taken to avoid the creation of a similar debt in future, the consequences to the institution will be highly salutary. If this policy be carried out and discounts be confined within proper limits, of which a prudent directory are alone competent to judge, there will be as great security as is to be expected of human management—and of most other notions of reform it may be said they are arbitrary if not pernicious, and retrench the safe and valuable functions of a bank.

It will be seen by examining the statements that the condition of the bank contrasts favourably with what was its condition at the last annual meeting. The circulation has been reduced about seven hundred thousand dollars, and of deposits the amount is less by about $200,000. The balance due from other banks is larger than it then was. The specie, whilst it bears a proportion to the circulation larger than the law prescribes, has of course been reduced below the amount held the 1st January 1839. It is not known that any bad debt has been made during the past year, or that the security for debts of former years has been impaired.

It would be highly gratifying to indicate some early period when the resumption of specie payments might be safely commenced. The directors of the bank, and the remark is doubtless no less true of the stockholders, yield to no part of the community in their anxiety for a sound and legal currency, and they feel especially an earnest solicitude that the notes of this bank should be always convertible into coin at the pleasure of the holder.

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But from what has been before said, and for other reasons which will suggest themselves, a resumption before the banks at the north, or at least some of those that have suspended, are prepared for it, and a favourable state of trade has been established, would be hazardous to the bank and in its consequences embarrassing and oppressive to the community. It would place the institution under a necessity of so curtailing its operations that for a time it would cease to be a bank of discount. For it is wholly out of the question to suppose that with specie at a premium and obligations now outstanding exceeding the amount of coin in possession, the bank would or ought to add to its liabilities by doing any business whatsoever. If the banks shall be reduced to such a necessity, or indeed to any near approximation to it, the depreciation of property of every description and the interruption to the commerce and trade of the state resulting from the denial of the accustomed bank facilities would be fearfully and extensively mischievous. The fact that New York has been able to maintain specie payments, at no inconsiderable embarrassment and loss it must be admitted, and the greater therefore is the credit which it reflects upon her, does not imply that an attempt to imitate her example would not involve greater sacrifices than fell to her portion, or that there would be in the end any certainty of success. Her position as the great centre of exchange is eminently in her favour. Credits on New York in any part of the country are equivalent to specie—at a premium generally with reference to the specie standard. Hence she is not exposed to the loss of specie by domestic demands. She enjoys besides other inestimable advantages, the fruits in part of her gigantic enterprise, and of a vast portion of the public revenue of which she is the depository.

The question as to the time when specie payments shall be resumed is proper to be considered by this meeting if it be its pleasure to entertain it, and the directory may be relied upon to carry cheerfully out any declaration of its opinion.

It is gratifying to know that notwithstanding the suspension bank notes have not depreciated, but have been maintained at their full value. A contrary opinion has been sometimes ventured upon a superficial or inaccurate view of the facts. The large reduction which has been effected in the circulation of this bank, and the reduction that is known to have occurred at the other banks, would prepare us to expect that the currency was neither redundant or depreciated. And when the fact is adverted to that the price of all kinds of property has fallen, estimated with reference to bank notes as the standard; and that this is true of property the most saleable at all times, because the most generally coveted, and of property of the most unquestionable value, the obligations of the commonwealth for example, it must be apparent there is no reason to apprehend the currency to be depreciated, none certainly to suppose it to be redundant. It is true specie compared with notes is at a premium; but that happens when the demand for it advances the price of bullion above what is paid for it at the mint as well as when notes are in fact depreciated. It happened during the interval of the long suspension in England that for a short time Bank of England notes were at a premium purchased with gold; yet none would conclude therefrom that gold had depreciated. At New York in the course of the fall sterling bills were currently sold at from 3 to 5 per cent. below par, there being a large admitted balance against this country in favour of England: the fact may shew there was a want of money to purchase sterling bills, but not that they were actually depreciated in value.

At a meeting of the stockholders in May, held to consider the amended charter, a resolution was adopted directing a memorial to be presented to the general assembly praying for certain amendments of the banking laws. The penalties incurred by the suspension induced the opinion that it was proper to delay the memorial until after the general assembly had passed on that proceeding of the bank.

The meeting that adopted the resolution felt assured of obtaining from a parental government, their copartner in a useful public institution, a willing audience for any dutiful representations concerning their common interest, and as connected with it, the interest of the public at large. A hasty reference to the amendments contemplated is all that is now proposed.

It is humbly submitted that the provisions of the law applying to a case of suspension, may be made to work effects fatal to the banks and that would be deplored by the public. It is not the interest nor the wish of the stockholders that any measure of responsibility likely to prevent the recurrence of a suspension, should be relaxed; but as it may occur under the most prudent administration of the bank, laws that expose the property of the institution to confiscation and the institution itself to annihilation at the suit of individuals seeking only their private advantage, answer no valuable public end, but may defeat important public objects. The penalties denounced by the laws as they now stand, it might be reserved to the legislature or the executive to inflict, if the case should be thought to warrant it—such a change in the law would protect the public against abuses on the part of the banks at the same time that it would guard the public against evils of another kind.

The prohibition to the issue of notes below ten dollars is now in force, and at an early day it applies to all notes below twenty dollars. The end contemplated by this enactment is the introduction into circulation of coin as a substitute for notes of the denomination of five and ten dollars. It may be confidently pronounced that it will fail of that result—at least until other states shall adopt the prohibition and prevent thereby the existence of small notes. In the mean time, and indefinitely perhaps, as there is no reason to expect that our policy in this respect will be imitated, our circulation will consist of small notes as heretofore, not furnished by our own banks but by banks elsewhere whose condition is not known, and who are irresponsible to our state authorities. It is

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notorious that even now in the smaller denominations the circulation consists of the notes of Carolina, Maryland and other states. The effects of the prohibition upon our banks will be extensively pernicious. Unless indeed it may be relaxed, and the undeserved and unreasonable distrust with which it is fashionable to regard banking institutions shall subside, it is worthy of grave consideration whether the stockholders should not surrender their charter. If they were to regard it as a question interesting to themselves alone, to be decided by suggestions of mere pecuniary advantage, it might be anticipated that such would be their decision. And then it would be soon seen, nay acknowledged and confessed by all men, that banks were highly valuable public agents, and that stockholders were entitled to some respect as contributors to the public weal. It is not intended to propose a renunciation of the charter, because it is impossible to feel indifferent to the wide-spread mischief that would ensue; but it deserves to be remembered at all times that the public have an equal, not to say a paramount interest to the stockholders in the continuation of the institution, relieved of unnecessary and impolitic restrictions.

The multiple of its coin to which the issues of the bank are limited by law, is as high as it would be generally prudent to allow the circulation to extend; it would be prudent in the main to keep below that limit; but the requisition upon the bank to suspend its loans whenever the prescribed ratio is disturbed, until it is again restored, supersedes the discretion which ought as well in respect to the public as the institution, to be committed to the directory. It will be perceived that a ratio proper to be observed when the circulation is large, is of less importance when the circulation has been reduced; that by its rapid reduction any prescribed proportion may be disturbed; and that a requisition which admits of no respect to circumstances, must operate harshly and injuriously. It is submitted that the law should be so modified at least as to allow the bank a reasonable discretion in the application of its provisions.

The bonus exacted is a heavy charge on the institution; and as it operates as a temptation to the bank to increase its business, it seems to conflict with the policy of the law which looks to circumscribing the business of the bank. It is hoped it may comport with the views of the general assembly to relieve the bank in this particular.

The requisition of the bank to pay the notes of the lower denominations "in gold of the United States coinage," whenever demanded, is an onerous condition; and it is not perceived that any valuable public end is answered by it.

The meeting of stockholders that adopted the amended charter, was gravely impressed with the injurious tendency of these and other parts of the law, and they relied on a future legislature to grant such relief to the bank as should be consistent with the general interest.

Respectfully submitted.

W. H. MACFARLAND, *President.*

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[DOC. No. 25.]

STATEMENTS

OF THE

MERCHANTS AND MECHANICS BANK OF WHEELING,

In answer to a Resolution of the Committee on Banks.

MERCHANTS AND MECHANICS BANK,
WHEELING, 3d January 1840.

NATHANIEL E. VENABLE ESQ.,
Chairman of the Commitee on Banks:

DEAR SIR,

In the absence of our president I have pleasure in acknowledging your favour of the 12th ultimo, and in compliance with the resolution thereto annexed, I enclose a statement of the amount of "accommodation notes" and "foreign notes and bills" discounted, together with a detailed statement of the notes and bills discounted between the 15th September and 1st of December.

I infer from the terms of your resolution that your object in requiring a copy of the minutes, was that you might be furnished with an exhibit of the number and amount of bills discounted between the 15th September and 1st of December: if so your wishes will be met by the detailed statement above referred to. If however, you have any other object in view, it will afford me pleasure to forward a full copy from the journals of the board. As the provisions of the late "law requiring a classification of paper offered to be made" do not apply to us, we have not so kept our books as to be able to furnish a statement of the "amount of bills or notes offered for discount in each of the classes required by law to be made and the amount discounted and rejected in each."

Hoping that the enclosed statement will be satisfactory,

I am dear sir,

Yours, very respectfully,

S. BRADY, *Cashier.*

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MERCHANTS AND MECHANICS BANK,
WHEELING, 28th December 1839.

*Amount of debts due in the form of accommodation notes 1st Dec'r 1839,		402,876 75	
Amount of real or business paper in the form of notes discounted by the board from 15th Sept'r to 1st Dec'r 1839, (for detailed statement of which see below,)		20,213 63	
			423,090 38
Amount of notes and bills payable abroad, considered as business paper,	-	-	173,830 87
			$ 596,921 25

Detailed Statement of Notes, (considered as real or business paper,) discounted from 15th Sept'r to 1st Dec'r 1839.

249 19	50 00	56 75	800 00	375 00	373 95	
249 06	136 50	406 56	136 53	1214 95	307 59	
128 93	70 62	106 58	273 03	101 57	150 00	
1000 00	290 00	595 62	92 37	1000 00	45 83	Aggregate.
90 90	90 00	120 45	420 28	1500 00	30 90	2235 26
101 58	738 55	89 02	144 10	900 00	300 00	2308 18
80 60	300 29	1031 70	459 15	900 00	-	3095 08
40 00	152 30	104 50	128 00	363 00	-	2937 32
200 00	405 13	453 00	100 25	75 00	-	8429 52
100 00	74 79	130 00	383 61	2000 00	-	1208 27
2235 26	2308 18	3095 08	2937 32	8429 52	1208 27	20213 63

Detailed Statement of Bills discounted from the 15th September to the 1st December 1839.

150 00	2000 00	425 00	200 14	2314 00	382 83	
1200 00	1700 00	492 50	127 84	2500 00	2000 00	
1000 00	1000 00	165 76	337 65	750 00	1340 00	
186 27	400 00	238 62	215 00	106 48	1150 00	
230 00	320 00	1200 00	38 56	383 61	1192 14	
350 00	162 95	237 00	333 33	2500 00	1120 00	
218 68	1500 00	133 92	1500 00	3000 00	347 80	
297 50	3721 05	2000 00	1500 00	250 00	172 22	
175 41	269 85	1000 00	2000 00	335 81	115 41	
102 50	2000 00	100 00	423 19	1369 56	60 00	
129 55	2000 00	600 00	443 75	1363 14	2000 00	
464 81	187 94	175 00	536 45	800 00	435 00	
3000 00	80 00	250 00	241 73	667 69	1400 00	
637 27	115 52	419 25	161 53	145 89	807 41	Aggregate amount.
71 76	86 50	53 00	454 24	83 12	500 00	13967 75
189 00	168 29	238 27	416 67	77 86	1100 00	17383 26
315 00	156 00	120 56	1000 00	758 84	687 39	8678 95
750 00	161 58	311 16	1000 00	216 00	139 56	15130 08
500 00	500 00	56 75	1000 00	160 00	298 15	19782 10
2000 00	361 08	500 00	1200 00	1000 00	468 00	15862 97
2000 00	492 50	62 16	2000 00	1000 00	147 06	90805 11
13967 75	17383 26	8678 95	15130 08	19782 10	15862 97	

*A large proportion of the "debts due in the form of accommodation notes" referred to in the foregoing statement were originally discounted as "business paper," but such has been the scarcity of money that the board of directors have for some time allowed domestic paper to be renewed with moderate curtailments without regard to the circumstances under which it was originally discounted, and in the within statement the whole of that class of paper is denominated "accommodation."

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[DOC. No. 26.]

STATEMENTS

OF THE

NORTHWESTERN BANK OF VIRGINIA,

In answer to a Resolution of the Committee on Banks.

NORTHWESTERN BANK OF VIRGINIA,
WHEELING, December 29, 1839.

To N. E. VENABLE ESQ.,
Chairman of the Committee of Banks.

SIR,

Your letter covering the resolution of the committee on banks passed on the 12th inst. was duly received; and in pursuance of the order of the board of directors I herewith transmit the information required by the resolution so far as is within the power of the board.

There is not nor has there been at any time kept a register of notes offered for discount in this bank, other than such as are discounted; consequently it is not in the power of the bank to furnish the amount or the denomination of the notes offered for discount—and here permit me to add that I am instructed by the board of directors most respectfully to suggest that they never have supposed that the section of the act of April 4, 1839 was applicable to this bank, hence it is that the bank has made no classification nor kept a register of the notes offered for discount.

It is difficult to ascertain the amount of accommodation notes with accuracy. Bills and notes to a large amount founded upon real transactions and expected to have been paid at maturity, have not been met in consequence of the derangement in the monetary affairs of the country, and the bank has been compelled to continue such loans.

But it may be observed with regard to the general character of our loans, that with the exception of one hundred or one hundred and twenty thousand dollars (which has been loaned for county purposes, to corporations and a few to individuals) the whole are in a gradual course of reduction or curtailment, small it is true in some cases but sufficient to take from them the character of standing or accommodation paper.

I enclose the "minutes of our board" and am,

Yours very respectfully,

J. LIST, *Cashier.*

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Minutes of the Board of Directors of the Northwestern Bank of Virginia.

	$1000 and under.	$1000 and not exceeding $10000.	Over $10000.
THURSDAY, September 19.			
Sundry notes renewed and the following discounted:			
7 in number amounting to - - -	1428 13	1600 00	None.
Adjourned to Monday 23d.			
MONDAY, September 23.			
The following notes discounted:			
2 in number amounting to - - -	470 00	None.	None.
THURSDAY, September 26.			
Sundry notes renewed and the following discounted:			
21 in number amounting to - - -	4449 32	6768 00	None.
THURSDAY, October 3.			
Sundry notes renewed and the following discounted:			
19 in number amounting to - - -	6704 54	None.	None.
THURSDAY, October 10.			
Sundry notes renewed and the following discounted:			
8 in number amounting to - - -	2486 20	None.	None.
THURSDAY, October 17.			
Sundry notes renewed and the following discounted:			
4 in number amounting to - - -	1072 72	None.	None.
THURSDAY, October 24.			
Sundry notes renewed and the following discounted:			
22 in number amounting to - - -	5192 74	8000 00	None.
THURSDAY, October 31.			
Sundry notes renewed and the following discounted:			
12 in number amounting to - - -	1786 14	None.	None.
THURSDAY, November 7.			
Sundry notes renewed and the following discounted:			
11 in number amounting to - - -	3385 07	3200 00	None.
THURSDAY, November 14.			
Sundry notes renewed and the following discounted:			
20 in number amounting to - - -	5730 70	1100 00	None.
THURSDAY, November 21.			
Sunday notes were renewed and the following discounted:			
14 in number amounting to - - -	5034 04	2500 00	None.
THURSDAY, November 28.			
No board.			

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[DOC. No. 27.]

Letter of John Southgate President pro tem. of the Exchange Bank of Virginia, transmitting a list of the members of the House of Delegates who are stockholders and their indebtedness as individuals and as members of firms.

EXCHANGE BANK OF VIRGINIA,
NORFOLK, January 11, 1840.

GEO. W. MUNFORD Esq.

SIR,

In compliance with a resolution of the house of delegates of the 6th inst., I herewith enclose to you the information required by said resolution.

Yours very respectfully,

JNO. SOUTHGATE, *President pro tem.*

List of Members of the House of Delegates who are Stockholders in the Exchange Bank of Virginia, the amount of stock held by each on this day, their indebtedness to the Bank individually and as members of firms, required by a Resolution of the House of Delegates of the 6th January 1840.

NAMES.	Amount of Stock. No. of Shares.	Individual debtors.	Debtors as members of firms.	Liability as principal.	Liability as endorser.	Indebtedness on the 16th October.	Liability as endorser 16th October.	Indebtedness on the 6th Jan'y 1840.	Liability as endorser 6th Jan. 1840.
					AMOUNT.				
Thomas Smith,	30								
Jos. T. Allyn,	-	1350 00	2750 00	1350 00	4235 00	1350 00	4635 00	1350 00	4235 00
Saml. Watts,	-	215 00	-	215 00	-	215 00	-	215 00	

JNO. SOUTHGATE, *President pro tem.*

Norfolk, January 11, 1840.

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[DOC. No. 28.]

ANNUAL REPORT

OF THE

COURT OF DIRECTORS

OF THE

WESTERN LUNATIC HOSPITAL

FOR THE YEAR 1839.

At a Court of Directors held for the Western Lunatic Hospital, January the 9th, 1840:

Resolved, That Samuel Clarke, esq. president of this court forward to the speaker of the house of delegates the annual report of the directors for the year 1839, with a request that he lay the same before that body as early as convenient.

(A copy)—Teste,

NICH. C. KINNEY, *C. C. D.*

STAUNTON, JANUARY 11, 1840.

SIR,

In obedience to the annexed resolution of the court of directors of the Western lunatic hospital, I have the honour to enclose to you their annual report for the year 1839, with a request that you will lay the same before the legislature at as early a day as may suit your convenience.

I am, very respectfully,

Your ob't serv't,

SAMUEL CLARKE, *President.*

To the honourable the Speaker of the House of Delegates—Richmond.

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REPORT OF THE COURT OF DIRECTORS.

To the honourable the General Assembly of Virginia.

The president and directors of the Western lunatic hospital beg leave to submit to the general assembly the following report of their proceedings since the date of their last annual communication. The report of the physician of the institution which is appended to this report is so full and satisfactory in its statistical information, and in relation to the general management of the hospital, that the directory have thought it better to present it entire to the legislature rather than to give extracts from it, or a mere summary of its contents, which would be by no means so interesting or satisfactory to those who feel a concern for the welfare of the unfortunate objects for whose benefit the asylum was instituted. The directory take much pleasure in calling the particular attention of the legislature to that report because they think that it is calculated to shew not only that the trust confided to the officers of the institution has been faithfully administered, but that its usefulness has been progressively increasing, and that there is reason to hope that still farther advances will be made in the knowledge of the proper treatment of the insane. Much useful information has already been diffused among the people on this subject, and it is to be hoped that the day is not far distant when insanity will no longer be regarded as a crime which should banish its unfortunate victims from the light of day and consign them to ignominious imprisonment and chains, but as a misfortune which should entitle them to the strongest claims on the sympathy and humanity of their friends.

It is equally important that that other equally fallacious and mischievous idea that a lunatic asylum is an object of unmitigated horror and disgust in which clanking chains, straight jackets, distorted features and frantic violence are the most prominent objects, should give place to a more correct and rational view of the subject.

Whilst these notions prevail it will be impossible to overcome the repugnance which the friends of the insane so naturally feel against placing them in our asylums. The directory would think that they had rendered an essential service to the cause of humanity by the publication of their physician's report if it had no other effect than to correct the popular errors on this subject. From that report as well as from former communications made to your honourable body, it will be seen every thing like violence or coercion has been abandoned in the treatment of the insane at the Western lunatic hospital, and the mildest and most soothing and parental conduct has been substituted in its stead. As little restraint is imposed upon them as is consistent with their safety. They are encouraged to seek amusement in reading, in various games, and in such occupations as are congenial to their tastes and former pursuits. The directory are gradually perfecting their system of moral treatment, which when brought into complete operation will afford useful and profitable employment to a large proportion of the inmates of the asylum. During the past spring and summer portions of the grounds of the institution containing in the aggregate near 50 acres have been enclosed partly with a plank fence and partly with rails, exclusively by the labour of the patients. Much other useful work has been done by them about the new building, and they manifest the greatest pleasure in contributing their aid whenever it is required. Some of them indeed seem unhappy unless they are usefully employed. But the directory deem it unnecessary to go more into detail on this subject as it is so fully explained in the report of the physician. The condition of the various funds belonging to the institution can be seen by reference to the several accounts which have been forwarded to the auditor of public accounts, and are now on file in his office. Some difficulties have heretofore existed in relation to the accounts, owing in a great measure to the fact that the fiscal year closed on the 24th of November when the heaviest transactions of the year, such as the hiring of negroes, the purchase of beef, pork, flour, &c. had not been concluded. At the last session of the legislature the law was amended so as to make the fiscal year close on the 31st of December, and it is hoped that that change with improvements in the mode of keeping the accounts will obviate any future inconvenience and apparent confusion on the subject. Those changes however have been of too recent date to relieve the accounts of the present year from the objections alluded to. But by the next year the new system will be in full operation, and the directory hope by that time to present them in a perfectly perspicuous form, as they will not be compelled to rely upon conjectural estimates of the costs of many of the heaviest items of expenditures, but will be possessed of accurate and definite information in relation to them.

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From the report of the treasurer it appears that there is a balance due to him on the support account of $69 77½. The actual deficiency on that account is in fact much larger than the sum reported, as there are many drafts outstanding against the institution which not having been presented and paid cannot be brought into the account. The amount of the deficiency on the support account is at least $3000. This deficiency is owing in some measure to the extension of the present fiscal year from the 24th of November to the 31st of December, thereby causing it to embrace 13 months and 6 days instead of the usual period of 12 months. Another circumstance which has contributed to swell the balance against the institution is the fact that it was found necessary in carrying out the improved system of treatment to furnish some of the apartments in a more comfortable manner than had been done formerly so as to make them correspond more nearly with the accommodations to which many of the patients had been accustomed. The diet of the curable patients has also been much improved. These expenses however have brought an ample return to the state in the form of boarding paid into the treasury by the wealthier patients and their attendants. While they are on this subject the directory would respectfully invite the attention of the legislature to one or two facts connected with these expenditures. Formerly very few patients in affluent circumstances were received into our hospitals. This was owing to the fact that no means were provided for their accommodation in a style at all suited to their former habits of life, and their friends preferred sending them to northern asylums where every thing which could contribute to their gratification or restoration to reason was amply supplied. The Virginia hospitals were as a necessary consequence filled almost entirely with paupers, and the state was burthened with the whole cost of their maintenance, whilst the emolument resulting from the boarding and attendance upon the patients who were able to pay their own expenses contributed to the prosperity of northern institutions. Economy therefore as well as more elevated considerations concurred in recommending to the directory of the Western lunatic hospital the propriety of making such expenditures as would be necessary to ensure the comfortable accommodation of a limited number of patients who had been accustomed to live in the enjoyment of something more than the bare necessaries of life. The result has fully established the wisdom of their conduct, for already several patients have been transferred from the Philadelphia and Hartford hospitals to our own, and the number of patients who are able to reimburse to the state their expenses has greatly increased. At no distant day the directory believe that the revenue derived from that class of patients will be sufficient to pay one half if not a greater proportion of the expenses of the institution.

As this subject is becoming one of so much importance in a fiscal point of view, the directory would respectfully submit whether it is not expedient to make some change in the law regulating the collection from the committees of insane persons the amount of their expenses at the hospital. According to the existing laws the accounts for such expenses are certified to the auditor of public accounts at Richmond, and he is directed to have them collected. The observation of the directory has satisfied them that these provisions of the law are not sufficient, as it is impossible for the auditor from his multifarious duties and remote residence to give that vigilant attention which the subject requires. The consequence is that many accounts are unpaid to the great injury of the state. Frequent applications have been made to the directory of the Western hospital to receive the amount of such accounts, but having no legal authority to do so they have been compelled to decline and refer the applicants to the auditor. The directory would suggest whether it would not be better to authorize them to require payment in such cases to their treasurer, and to empower them to take the necessary bonds to secure the payment of the instalments as they might become due, giving jurisdiction to the county and superior courts of Augusta county to hear motions for judgments upon such bonds upon a reasonable notice being given to the delinquent obligors. The sums thus received would be regularly credited to the commonwealth and deducted from the amount of the next annual appropriation. This or some other method of proceeding would seem to the directory to be necessary to protect the commonwealth from imposition. The apparent balances in the hands of the treasurer according to his report are $1112 40½ on the moral treatment account, $3914 34½ on the additional building account, and $2480 56¾ on the water account. The two first are merely apparent balances as there are debts outstanding on both accounts which will absorb the whole amount of the funds appropriated. The debt against the moral treatment fund is for the purchase money of a lot of six acres of meadow land lying immediately in front of the hospital, which the directory deemed it essential to the interest of the institution to acquire. The debts against the "additional building" fund are outstanding drafts for accounts of workmen and for materials furnished. The additional building in progress is a large edifice four stories high—intended to accommodate near sixty patients—well ventilated and having a dining room and the necessary rooms for attendants on each floor. The walls are completed and such progress has been made in the other work as to justify the belief that it will be ready for the reception of patients by the 1st day of September 1840. It is contemplated to cover this building with tin so as to render it secure against fire. The sum originally appropriated for its construction was $12.000: but as the directory found it necessary to make some enlargements and modifications of the plan originally contemplated so as to adapt it more completely for the purposes for which it was designed, and to cover it with tin, that sum will be insufficient for its completion, and the directory respectfully ask an additional appropriation of $5000 for that purpose.

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The balance of the water fund unexpended is $2480 58½. The residue of the fund has been expended in the purchase of pipes, water rights &c. The water has not yet been conveyed to the institution, but measures have been adopted and contracts entered into to ensure the speedy consummation of that most desirable object.

In their last report the directory recommended to your honourable body an appropriation of $20,000 to pay the debt which then existed against the institution on support account and to defray the current expenses of the approaching year. Only $17,000 however was appropriated, and a debt still continues against the institution as stated in a former part of this report. The directory would now earnestly recommend an appropriation sufficient to pay off that debt and to meet the expenses of the present year. These expenses will necessarily be much greater than during the past year, as the new building will be completed and probably 50 or 60 additional patients received. Two very heavy items of expenditure during the present year will be, 1st the furnishing of sixty cells besides the additional furniture for the dining rooms and attendants' apartments; and 2dly the expense of conveying the patients from remote parts of the state to the hospital. These various objects the directory suppose will require the following sums: 1st, to pay off the existing debt $3000, to defray current expenses $17,000; to pay for furniture of new building $2500; and for transportation of patients $3000. The directory therefore ask for an appropriation of a sum sufficient for these various purposes. There are some other facts connected with the subject of this report which the directory feel it to be their duty to bring to the attention of the legislature, leaving for their wisdom to decide upon the propriety of taking any action upon them. Large as the expenditures have been for the accommodation of the insane, and extensive as the buildings already erected are, they are still insufficient to supply the demand.

It is a melancholy fact that there are applications some times to the number of three or four per week for admission into the hospital which are necessarily rejected for the want of room, and from the number of such applications now on file, it is more than probable that the additional building will be filled in a few weeks after it is opened, leaving a number still unaccommodated. An additional building will therefore be necessary, but whether the resources of the state will justify its being undertaken at this time is a question for the wisdom of the legislature to decide. The same remark is applicable to an additional accommodation for the servants in the employment of the institution. The necessity of such addition is apparent, and the only question which can arise is as to the expediency of affording it at this time. The directory would feel that they had not done their duty if they failed to bring these subjects to the attention of the general assembly, submitting it to that body to decide what was proper to be done.

A copy.

Teste,

NICH. C. KINNEY, C. C. D.

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PHYSICIAN'S REPORT.

To the President and Directors of the Western Lunatic Asylum of Virginia.

GENTLEMEN,

More than 16 months have now elapsed (for reasons of which you are already apprized) since the date of my last annual report, and during this period, I am happy to inform you, our institution has been blessed with a high degree of prosperity. Its inmates, the objects of our peculiar regard, have with but few exceptions enjoyed most excellent health; and have been favoured with every comfort which we could bestow or they appreciate; and our efforts for their intellectual and moral improvement have been crowned with a success, which, whilst it demands our sincere gratitude to the bountiful giver of all good, cannot fail also to encourage us to continued and more vigorous exertions in the same benevolent and holy enterprise.

TABLE FIRST.

	Males.	Females.	Total.
The number of patients remaining at the date of the last annual report, was -	37	35	72
Number since admitted, - - - - -	19	13	32
Making the whole number who have enjoyed the benefits of the institution during the interim,	56	48	104

TABLE SECOND.

There have been discharged during the same period, - - -	16	8	24
Have died, - - - - -	3	4	7
Have eloped, - - - - -	2	0	2
			33
Leaving in the institution to this date, - - - -			71

TABLE THIRD.

The civil condition of patients has been:	Males.	Females.		
Of those married, - - - -	11	18	29	
" " single, - - - -	38	21	59	
" " widows, - - - -	0	6	6	
" " widowers, - - - -	3	0	3	
" " unknown, - - - -	4	3	7	
			—	104

TABLE FOURTH.

Respective ages of patients:				
Of those under 20 years, - - -	8			
" between 20 and 30 - - -	25			
" " 30 and 40 - - -	33			
" " 40 and 50 - - -	24			
" " 50 and 60 - - -	10			
" " 60 and 70 - - -	3			
" " 70 and 80 - - -	1			
	—	104		

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TABLE FIFTH.

Duration of insanity up to present time, or to date of their discharge, elopement or death:

Of those insane less than one year,									20	
"	"	from	1	to	5				30	
"	"	"	5	to	10				19	
"	"	"	10	to	20				27	
"	"	"	20	to	30				1	
"	"	"	unknown,						7	
									—	104

TABLE SIXTH.

Classification according to form of insanity:

Of those labouring under monomania,					11	
"	"	"	mania,		48	
"	"	"	melancholia,		28	
"	"	"	hypochondriasis,		7	
"	"	"	dementia,		9	
"	"	"	idiocy,		1	
					—	104

TABLE SEVENTH.

Shewing the cause of insanity in the last 35 patients received into the institution:

From moral causes,			14	From physical causes,			19
				Unknown,	2		
Domestic affliction,		3		Intemperance,		4	
Ungoverned temper,		1		Ill health,		8	
Family troubles,		4		Puerperal,		3	
Disappointed affection,		1		Epilepsy,		3	
Reverse of fortune,		2		Masturbation,		1	
Religious excitement,		2				—	
Intense study,		1				19	
		—					
		14					

TABLE EIGHTH.

Shewing number of recent cases under treatment, and the result in each:

				Males.	Females.	Total.
Of those there have been in asylum,				13	7	20
Of whom have been cured,				10	6	
"	"	"	much improved,	1	1	
"	"		eloped,	1	0	
"	"		died,	1	0	20

The above tables exhibit the statistics of our institution in a more elaborate and perfect manner than has ever before been attempted or was even practicable—and I would hope that they may prove not only interesting but somewhat profitable to the medical inquirer whose attention may have been awakened and his thoughts attracted to this hitherto mysterious, because much neglected, subject. To you however, gentlemen, whose pursuits are of a different character, and whose interest in this subject must be supposed necessarily to be restricted to a due solicitude for the intellectual, moral and physical wants of those who have been entrusted to your kind guardianship and protection, they have been presented in the hope that they may afford you some useful information in regard to the general operations of our institution as well as of some of the benefits which have been experienced or are likely to be derived from our efforts in behalf of its afflicted inmates. From an examination of these tables you will learn, 1st, that the number who have been discharged since July 1838 has exceeded greatly that of any similar period within the history of the institution; and 2dly, that as the vacancies thus occasioned were speedily occupied by others whose anxious friends awaited with impatience the intelligence that they could be accommodated, the number who have enjoyed the advantages here provided has con-

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sequently been proportionably great. 3dly, that the deaths have been somewhat more frequent than those embraced in former reports, but of these little more than one half have occurred during the last year. Had it been otherwise, we have reason to believe that the mortality falls short of what has been experienced during the same time in any similar institution of our country. 4thly. You will perceive that the table exhibiting a classification of the patients according to the *cause* of their malady includes only 35 in number. It will be recollected that in a former report I expressed no little regret at being then unable to exhibit such a table, and attributed that inability to the fact that the friends of patients either from ignorance or carelessness had failed to communicate such information as would have enabled me to form a correct opinion upon this point. Since then however a method which was submitted for your consideration and received your sanction has been resorted to for the purpose of ascertaining all that is desirable in reference to the individual's insanity, and I am happy to inform you that of the whole number of cases in which it has been used, it has failed in effecting the object desired only in the two cases reported in this table as from a "cause unknown." 5thly. We learn from this table the unwelcome truth that with but few exceptions the whole number of patients now in the institution have been labouring under their mental affliction so long as to render its removal almost if not entirely hopeless. About one third have been insane from 10 to 30 years—nearly two thirds upwards of 5 years—not more than one sixth can date the origin of their disease within the last three years. Hence we are left to deplore the fate of so large a number in whose minds the force of habit alone would keep up the morbid action even should its cause be removed, and should feel under a more imperious obligation to use every exertion for the promotion of the comfort and happiness of such who in reference to the apartments which they now occupy may be considered as literally "tenants for life." 6thly and lastly. You will have perceived that the whole number of recent cases which we have had an opportunity of treating has been only 20, of which 16 have been cured. Two are much improved, (one of whom exhibits strong indications of convalescence)—one eloped after having so far recovered as to induce the belief that he would in a short time have been discharged, and the remaining one (who had been in the asylum only a few weeks, and whose physical system at the time of his admission was extremely emaciated and enfeebled) died. This individual was the subject of most furious mania, and was brought here by his friends bound hand and foot. So violent was he that during a paroxysm (although at other times the picture of debility) an attendant could not safely enter his room—so destructive that none of the furniture within his apartment nor even the apparel with which he was clad could be preserved when he was free from restraint—so filthy that he was an object of loathing and disgust to all who saw him—and so entire was the overthrow or perversion of his intellect that he seemed incapable of a single rational thought or emotion—and yet for several weeks before his death he was freed from all restraint—he was uniformly calm and quiet—was neat as to his person, respectful in his demeanor, and careful of whatever was entrusted to him. He usually left his room in the morning and walked throughout the day to and fro about the house and grounds unattended—employed himself occasionally in reading books and newspapers, and evinced by his conversation that reason was making rapid strides towards resuming her empire. Under these circumstances I could but feel sanguine of his recovery, and had begun to anticipate with no small degree of pleasure the period when he would again be restored in the full possession of his faculties, intellectual and physical, to the delights of home—to social enjoyment and to usefulness in his former vocation. If then we subtract the case of this individual and the one who eloped from the number of those in which a fair opportunity for relief had been afforded, we have the gratifying result that only a fraction less than 89 per cent. have been cured—or if we include these and view the matter in its most unfavourable aspect, the proportion of cures cannot be reduced below 80 per cent. As the board of directors have on several occasions applied to the legislature for means with which they might be enabled to afford the necessary facilities for conducting a proper system of moral management with the inmates of our asylum, which means have been most liberally bestowed, and as I have some reason to believe that my suggestions and assurances were in part at least made the basis of these applications, and may have had some influence in promoting their success, I feel it to be due no less to myself than to you, now that the system has had time to produce its results, that I should endeavour to exhibit these for public inspection and consideration—and for this purpose permit me briefly to contrast the condition of the institution as it regards the benefits which it has conferred upon its occupants and the advantages which have resulted to the commonwealth subsequently with what these were prior to the introduction of any such means.

The asylum was opened for the reception of patients on the 1st July 1828, from which time to July 1st, 1836, a period of 8 years, 79 patients only participated in its benefits, and during these 8 years 13 recovered and were discharged. As to the number herein embraced who may have entered the institution in the recent stage of their disease, I regret my inability to apprise you, not having enjoyed the advantage of an acquaintance with its affairs during that period, and finding nothing upon its records calculated to remove the difficulty. From July 1836 to the first of the present month 78 patients have been admitted, and of these 34 have been cured, 4 others died or escaped during a well marked convalescence, and several now here give strong indications of a certain recovery; but confining our estimate to those alone who have been cured we find that it embraces upwards of 43 per cent. of the whole number received since the date last above mentioned. Of these 78, 30 were placed in the institution within 12 months of the date of their attack, and of this number 25 have

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been restored; so that exclusive of those who were removed by death or otherwise from the sphere of our influence, a fraction more than 83 per cent. of all recent cases which have been under treatment within the last 3 years have been cured. I am aware that upon a comparison of this statement with those exhibited in former reports, some discrepancy will be manifest; but this will be simply apparent, not real, and results from the circumstance that in this report I have adopted the standard universally pursued in similar institutions, and have included those only as recent cases whose disease had existed less than one year; whilst formerly it was my habit to embrace those who had not been deranged longer than 18 months. Whether then we view the proportion of recoveries as relating to the whole number received or to the recent cases alone, our success must be equally gratifying as it will be found to have fallen but little, if at all short of that in any other insane establishment of Europe or America. The benefits which have resulted from this system of reform do not however stop here, but are most strikingly exhibited in the improved condition and increased happiness of those who we have already seen occupy so large a portion of our asylum; and who although incurable, are nevertheless most sensitively alive to every attention with which they are favoured, whether it has for its object the improvement of their health or the promotion of their comfort.

The advantages also in a pecuniary point of view, (although to be sure of secondary importance,) have not been less conspicuous. During the 8 years in which the institution had been in operation prior to July 1836, not fifty dollars, so far as I can ascertain, (and I have taken considerable pains to inform myself in relation thereto,) have been refunded to the treasury of the state by those who had during that time enjoyed the benefits which each annual appropriation by the legislature had been before expended in providing for them; and hence during the whole of this period the institution was a tax upon the treasury to almost the full amount subtracted therefrom; not so however during the last 3 years. From July 1836 to July 1838, patients were received and accommodated who have paid, or in circumstances that would justify us in requiring them to pay $1000, and since July 1838, a debt amounting to $1600 has been incurred for board, medical attendance &c. by those who are not only able, but whose friends are willing to pay it; and at this time there are a number of individuals here who will pay in the aggregate $213 per month, or at the rates of $2556 per annum, besides many others who although unable to pay board have their clothing furnished by their friends. You will therefore perceive that in proportion as facilities have been afforded in our institution for the relief and comfort of the insane, has it attracted to it those who will not only refund to the state what may be here expended for their benefit, and in addition aid in the support of the poorer class of patients, but who under other circumstances would either have remained at home and permitted their disease to become confirmed, or would have left their native state as many had done in search of some asylum supplied with those aids to comfort, enjoyment and restoration which their own state denied them; and am I not fully warranted in the prediction that the time is not distant when with but few alterations in our present plan of management we may establish a reputation for our institution that will secure to it the undivided patronage of the more wealthy class of the insane, whereby we may expect to defray at least two-thirds the expense attending its operations. In estimating the pecuniary benefits which have already occurred, is it not perfectly fair also to include what has been saved to the state by the cure of those who have been restored to their homes and former occupations, and who otherwise would have remained a charge upon its bounty during a long and helpless life. Of the 34 individuals above reported as having recovered their reason, 25 were insane paupers, a class of unfortunates which above all others exhibits the darkest and most helpless picture of human suffering. The average age of these was 32; allowing then that they would have lived to 50 years each, (20 years less than the limit assigned to human life by its divine author,) and estimating the annual cost of supporting each at $212, the sum now paid for the support of such in the jails of the commonwealth, you would have the sum of $95,400 as the amount saved. And in addition to this we should remember that the vacancies thus occasioned afforded an opportunity for relief to others who had they been longer excluded from the institution might have been doomed to hopeless insanity, and have burthened the state likewise with their support for many years.

In view then of all these circumstances, can any one for a moment question either the humanity or economy of those appropriations which have been made for the moral department of our asylum—and should not the happy consequences which have been seen to result from their judicious expenditure encourage future legislatures to manifest a wise and philanthropic solicitude by continuing to aid so good, so holy a cause. As the community in general, and particularly those who are remote from our institution, are most lamentably ignorant with respect to the mode in which its inmates are managed, and as letters are frequently received containing enquiries in relation thereto, it may be well to communicate such information upon the subject as can be condensed into a limited report like the present. The whole system of treatment to which the insane are here subjected is divided of necessity into medical and moral—but as particulars relating to the former could be supposed only to interest the medical practitioner, I will confine my remarks exclusively to the latter branch of this division. By the term "moral treatment" then, we mean every thing connected with the management of such an asylum not strictly medical: as for instance habitation, nourishment, occupation, exercise, amusement, restraint, &c.—and of these I will speak separately in the order that they have been mentioned.

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1st. *Habitation.*—Our building is situated upon a pleasant and salubrious eminence somewhat remote from but in view of the town, and overlooks several of the principal roads leading thereto. For architectural beauty it is unsurpassed by any similar institution in our country, and its internal arrangement is well calculated to promote both the comfort and health of its occupants—combining the several requisites, ample space, proper ventilation and a due regulation of light and heat—and with all presents an appearance of neatness and cleanliness which is but rarely if ever excelled in the private dwellings of our cities and towns.

2d. *Nourishment.*—The patients are allowed not merely such a supply of food as might be deemed sufficient to sustain animal existence, but are abundantly supplied with wholesome and nutritious diet, consisting in part of wheat and corn bread, coffee, tea, milk, butter, bacon, beef, veal, mutton, poultry and the various fruits and vegetables with which our country abounds. The only restriction imposed either as to quality or quantity results from medical interference. The most genteel and orderly class of patients eat at the table with the steward and his family; and numbers of others, each sex being confined to their respective departments, eat together at a table which is regularly and neatly spread for their use—and a third class, which is composed of the violent and noisy, have their provisions furnished in their rooms. About one half, however, of the whole number of patients in the asylum are permitted to partake of their meals at table, and although allowed the use of knives and forks, no effort has ever been made to abuse the privilege thus granted them. On the contrary, they conduct themselves uniformly with as much order and decorum as is usually observed in well regulated families. As evidencing their regard for the observance of good order and wholesome regulations, it may not be irrelevant to relate a circumstance which occurred here about 18 months since—one too which most forcibly illustrates the truth of a statement which I have some where seen, viz: "That good impressions when early instilled become little less than principles of our nature." At the time just mentioned, the first effort was made in this institution to convene its inmates around the table. On this occasion a number who had been previously apprised of the arrangement were introduced into the dining room where every thing was supposed to be in readiness for them to take their seats. Some of these had not seen a table spread with provisions for ten years—most of them had been debarred this privilege for more than five years—hence as might most reasonably have been expected, when they beheld the seats which they had been told were provided for their accommodation, there was considerable disorder and confusion exhibited in their attempt to occupy them. At this moment however, a knock upon the table was heard—and at its head stood "Lord Primat" displaying all the gravity and sanctity incident to the holy office of which he imagines himself the responsible incumbent. In a tone of authority he commanded "order," and as if by magic, every one sprang to his feet and fixed his eyes intently on the speaker. In a mild and becoming manner he then reminded them of the relation in which they stood to that Supreme Being who had graciously provided for their use the provisions before them; and chided them for their rudeness in thus attempting to partake of it without first having supplicated a blessing from the same high source. He then drew from his pocket a paper and read therefrom in a solemn and impressive manner a lengthy supplication (written by himself as it seemed for the occasion) to an audience of amazed though attentive listeners. It is needless to add that the sensibility of this "church dignitary" has not been since shocked by a similar scene of disorder—and that the same ceremony has been regularly and (by some) devoutly observed ever since.

3d. *Occupation.*—And for the sake of brevity I will include under this head the important auxiliaries *amusement* and *exercise.* Whether regarding the universal opinion of those who have written upon this subject within the last quarter of a century, or consulting our own experience as to the efficacy of employment in some form in affording comfort and contentment to the incurable, as well as accelerating the recovery of the convalescent, we would deem ourselves highly culpable did we fail to afford our patients every facility practicable for the accomplishment of so important an end. It has been our aim to afford sufficient exercise both to body and mind, and the result has been that in many instances both have been strengthened—and we have often observed that the attention which occupation or amusement required has produced a moral revulsion, and prevented the topic of hallucination from frequently recurring, or when it did occur or return, from so entirely engrossing the individual's mind. Of course we have varied the mode of occupation or amusement to suit the taste and inclination of those for whom it was intended. A man of refined education, for instance, would derive but little benefit from the occupation of digging, whilst the common day labourer would find in it both exercise and amusement well calculated to divert his morbid ideas. The latter would pass through beautiful scenery or see a fine picture without being pleased or attracted—the former, however, might be enchanted by such objects, and completely, whilst at least he beheld them, forget his illusions. For these reasons therefore, although we have endeavoured to occupy all, it has been our object also to please all. The various means employed for this purpose were detailed somewhat at length in my last report—but with your indulgence I will nevertheless briefly allude to them here. For the labourers, who constitute the larger class of our patients, we have about 65 acres of land contiguous to and almost surrounding the buildings, in the cultivation of which it is designed that they shall be employed. This property was acquired about 18 months since, at which time it was unenclosed and in a rough and sterile condition—during the past year however, the patients unaided by a mechanic, have surrounded most of it with a neat board fence constructed in a substantial and workmanlike manner. They have also ga-

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thered into piles and assisted in removing from the land a large quantity of stone, and have it now in an arable condition; so that by the next season they anticipate reaping from it a reward for their past labour. In addition to this, the class of patients of whom we are speaking have cut and piled a quantity of wood—have excavated and removed a large portion of earth, and have assisted in hauling a quantity of water, besides having attended to other matters which it would be tedious to mention. Had the institution been compelled to pay for the labour thus performed at the ordinary rates of the country, it would have amounted, I am confident, to not less than from 6 to $700. But few of the patients here are mechanics, and hence we have not felt so much the importance of work-shops as would have been the case had our institution been located in a manufacturing instead of an agricultural region of country. We design however, so soon as it can be conveniently accomplished, to provide such shops for those who may already understand or be disposed to learn some of the ordinary branches of mechanics. Many of the female patients are employed in knitting, sewing, &c.—and we hope ere long so to arrange it that a certain class in this department will afford considerable aid in cleaning the house, in doing the washing and ironing, and in spinning, weaving and making up the coarse clothing for themselves and others.

The library which contains upwards of 300 volumes continues to afford much useful and pleasant employment. A large number of those patients who have been admitted during the past year belonged to the higher ranks of life, and having possessed the advantage of an education they have seemed partial to literary pursuits; hence more of the books have been perused than during any former period; and as this class of patients are rapidly increasing, we can but be gratified that the institution is in possession of so desirable and useful a means for their amusement and occupation. The piano has been much used, and its sweet tones have on more than one occasion exercised a magic influence in cheering the desponding, soothing the irritated, and repressing the gay; and the violins and flutes although less in demand, have not however been without their good effects. In addition to these sources of amusement the male patients enjoy themselves frequently in playing backgammon, drafts, cards, ball &c., and the females in throwing the hoop, playing battle-door, drafts &c.

To mention all the cases in which decided benefit had resulted from a participation in one or the other of these amusements would be unnecessary as well as fatigueing. There was one however so marked in its character and important in its results that I feel constrained to bring it to your notice. The individual alluded to entered this asylum in August 1828; he was a husband and the father of 9 or 10 children; his occupation had been that of a road waggoner, and hence, as is usual I believe in such cases, he not only realized but little profit from his employment but contracted habits of dissipation such as are almost necessarily consequent upon so exposed and irregular a mode of living. A long continued and excessive intemperance connected with and probably aggravated by pecuniary embarrassment mutually operated to deprive him of his reason and to consign him as before stated to a place in this institution. At the date of his admission he exhibited in a horrible degree the most violent symptoms of mania; and such was the character of his delusions that he was continually tormented by them and subjected to paroxysms of ungovernable phrenzy. In consequence of his extreme irritability, (as I suppose,) he was generally shut up in a solitary room, and at other times confined to the enclosure which had been appropriated to the violent and incurable; with nothing in either situation to occupy him, but the distempered visions constantly presented before him by the marked action of his own disordered brain. In this condition with but slight variation he continued until the summer of 1836, at which time I became connected with the institution. During my first visits to him he occasionally entered into conversation with me, and although frequently wild and incoherent in his remarks I was enabled to infer something of his former history. Amongst other things he gave me reason to conjecture at least that he had been fond of cards, and supposing that they might again amuse him I proposed if he desired it to furnish them; he readily accepted the offer and they were accordingly supplied. He soon found amongst his fellow-unfortunates a sufficient number acquainted with their use to constitute a game, and day after day was subsequently spent by this little party in thus amusing themselves. His improvement was speedily observed, his temper became milder and his paroxysms of rage less frequent and not so violent; in a short time he was removed from the ward and permitted to go unrestrained wherever inclination might lead him; but such was the relief and comfort which he had doubtless experienced from employment that he was never willing to be idle; after playing a variety of games at cards until their frequent repetition deprived them of interest he resorted to backgammon, drafts, quoits &c. and finally became so entirely master of his own actions that he abandoned these sports as a means of occupation and employed himself more usefully. Sometimes he would cut wood for the institution, and at others he went unattended into the neighbouring mountain where he procured a large number of walking sticks in their rough state; these he brought to the asylum, dressed and varnished and disposed of them in the town at a price which well remunerated him for his trouble and labour. By this means he not only realized a considerable sum of money which he carefully preserved, but acquired a degree of self-control and a taste for profitable employment which I trust will be lasting in their effects. It is unnecessary to add that one delusion after another vanished until he became entirely sane, and although 2 years have elapsed since his discharge, I had the happiness only a few weeks since to learn that he continues well. He has collected together his numerous family, (who during his 9 years confinement had been scattered far and wide,) and is now managing his domestic affairs with a degree of industry and prudence, which he had never before seemed capable of. In addition to the

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exercise which a participation in some of the amusements above named induces, the male patients make frequent excursions on foot, some of them visit the town occasionally, and others go several miles into the country in pursuit of fruit, nuts &c., and although unattended they invariably return to the institution in due time and as a matter of choice. The females also occasionally walk under the charge of their attendants, but most of them prefer the carriage, and when the weather will permit scarcely a day intervenes that it is not used by some of them. In addition to the recreation thus furnished it is pleasant to witness the pride which they manifest in regard to their equipage, and the delight which it affords most of them to display it. It not unfrequently happens when the coachman is disposed to pursue a different course that he is ordered to drive through the town or along some very public road, and the reason assigned by the individual thus commanding is one which in its operation is not alone confined to the insane female, viz: "that it is needless to own a fine carriage and horses unless they be exhibited." No one at all familiar with the *modus operandi* of this provision for the comfort and exercise of the class of unfortunates under consideration can for a moment attribute its good effects alone to the physical influence thus imparted, and hence infer as is not unusual, that a rough and unsightly vehicle drawn by shabby horses would be equally beneficial. On the contrary they must be satisfied that the influence is chiefly a moral one operating upon the mind of the insane individual through the medium of his senses.

4th. *Restraint.*—This is the last point in reference to our system of moral management upon which I shall speak—and here I must express the hope that no one will for a moment confound this term with coercion. Nothing could be more dissimilar either in the objects for which they are designed or in the effects which they produce, the one being an efficacious remedy, the other an aggravating torment—and hence as well might morality and immorality or virtue and vice be considered as synonymous terms. Upon this point I deem it extremely important that our views and practice should be well understood, for in regard to it I am well persuaded the most mistaken and pernicious opinions pervade the community to the deep prejudice of such institutions and the lasting injury of those for whose benefit they are established. Would that those impressions had originated in error, as they are now surely kept alive through ignorance; but unfortunately a regard for truth compels us to admit the reverse. The time was certainly, (and there is much reason to fear still is in reference to some places,) that asylums for the insane were nothing more than prisons in which it is impossible to contemplate without horror the barbarous treatment to which their unfortunate inmates were subjected. Indeed these establishments were infinitely worse than prisons, and the treatment of their occupants more inhuman than that of wild beasts. The opinion then prevailed (and there are persons and practitioners sufficiently ignorant still to believe) that the insane should fear, and hence blows and stripes were resorted to as the best method of producing a permanent impression—or the equally absurd and more inhuman idea was held that they were untameable beings, and hence they were immured in solitary dungeons, loaded with heavy chains, exposed to cold and hunger, and left to sleep on the ground or on straw covered with filth and vermin, and so they were permitted to remain until the welcome close of a life thus wretched rescued them from their misery, and they were transferred from the dismal cells of a madhouse to the chamber of the grave. We turn however with delight from the contemplation of such scenes, and congratulate ourselves that we can hold up at the present day such treatment for public execration, and consign it to a place amongst those other prejudices which in times gone by have degraded the character and pretensions of the human species. In this institution nothing which bears the least resemblance to coercion is ever permitted, for experience and humanity have taught us the greater efficacy of milder means. The most tender method we have found almost invariably to produce the best effect, and hence of course it is adopted. No resentment or return of injury even is allowed, and any thing like severity on the part of either officer or attendant towards a patient would doubtless be punished by its humane and enlightened directory with instant banishment from the premises. We allow every patient the latitude of personal liberty consistent with his safety, and no restraint is ever imposed except what is rendered absolutely necessary by the violence of the patient and his disposition to injure himself or others, and when thus necessary the only means used for effecting it is the muff, straight waistcoat or large chain. During the last year these have been resorted to in but very few instances, and at the time I write not a single individual out of about 70 are trammelled by either of them. In contemplating these salutary reforms in the moral management of the insane, we cannot repress our feelings of gratitude to the learned and humane Penel, who having observed the cruelties to which this unhappy class were exposed, and heard the cries, howlings and tumults which constantly echoed throughout the gloomy apartments of the insane institutions of Paris, now less than half a century since, determined to oppose this revolting system; and who in carrying into effect so praiseworthy a resolve evinced a degree of boldness, judgment and philanthropy which has elevated him to a dignified rank amongst the wise, the great and the good, and secured to his name the heartfelt praises of generations yet unborn. If your patience be not already exhausted, bear with me whilst I attempt to detail one or two incidents which occurred during this important and hazardous experiment. They were published by M. Scipion Penel, the son of the great reformer, and not long since were presented in a forcible and impressive manner by a committee in an "appeal to the people of Pennsylvania on the subject of an asylum for the insane poor" of that state. In the latter months of the year 1792 Penel, who had been for some time chief physician to the Bicetre, begged repeatedly of the public authorities to permit him to remove the chains from the furious. His application having been unsuccessful he presented

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himself before the commune of Paris, and repeating his objections with increased warmth, urged a reform of such treatment. "Citizen," said one of the members to him, "I will go to-morrow to visit the Bicetre, but wo betide thee if thou deceivest us, and if thou concealest any of the enemies of the people amongst thy insane." This member of the commune was Cauthon, who was himself perhaps as strange a spectacle as any whom he visited. Deprived of the use of his lower extremities, and compelled to be borne on the arms of others, he appeared, says Penel, a fraction of humanity implanted on another's body, and from out of his deformity, pronounced in a feeble and feminine voice, merciless sentences proceeded—sentences of death, for death was the only logic that then prevailed. Cauthon the next day went to the Bicetre. He visited the insane in succession, and questioned them himself, but he received only imprecations amidst the clanking of chains on floors disgustingly filthy from the evacuations of the miserable occupants. Fatigued with the monotony and revolting character of this spectacle, Cauthon returned to Penel. "Citizen," said he to Penel, "art thou thyself mad to desire to unchain such animals?" "Citizen," replied Penel, "I am convinced these lunatics are only intractable from being deprived of air and liberty, and I expect much from a different course." "Well," said Cauthon, "do as thou likest; I leave them to thee; but I am afraid thou wilt fall a victim to thy presumption." Master of his own actions, Penel commenced his undertaking on the very day, fully aware of all its real difficulties, for it regarded the setting at liberty about 50 furious maniacs without injurious or dangerous consequences resulting to the other peaceable inmates of the establishment. He determined to unchain no more than twelve at the first trial, and the only precaution he took was to have an equal number of straight jackets prepared made of strong linen with long sleeves, which could be tied behind the back of the maniac, should it become necessary to restrict him from committing acts of violence. The first person to whom Penel addressed himself had been a resident for the longest period in the abode of misery. He was an English captain whose history was unknown, and who had been chained there for forty years. He was looked upon as the most terrible of all the insane. His attendants always approached him with circumspection, for in a paroxysm of fury he had struck one of the servants on the head with his manacles and killed him dead on the spot. He was confined with more rigour than many of the others, which circumstance combined with almost total neglect on the part of the keepers had exasperated a disposition naturally furious. Penel entered his cell alone and approached him calmly. "Captain," said he, "if I were to remove your chains and to give you liberty to walk in the court, would you promise me to be rational and to do harm to no one?" "I promise thee. But thou mockest me. They as well as thyself are too much afraid of me." "Assuredly not. I have no fear, for I have six men at hand to make me respected, should it be necessary. But believe my word; be confiding and docile. I will give you liberty if you will allow me to substitute this straight waistcoat for those ponderous chains." The captain yielded with a good grace to every thing required of him, shrugging his shoulders however, but without uttering a word. In a few minutes his irons were completely removed, and Penel withdrew leaving the door of the cell open. Several times the maniac raised himself from his seat, but fell again. He had kept the sitting posture so long that he had lost the use of his legs. At length in about a quarter of an hour, and after repeated attempts he succeeded in retaining his equilibrium, and from the depth of his dark cell advanced staggering towards the door. His first action was to look at the sky, and to exclaim in ecstacy "How beautiful!" Through the whole day he ran about, ascending and descending the stairs, and constantly repeating the exclamation "How beautiful!" "How good!" In the evening he returned to his cell, slept tranquilly on a better bed which had been provided for him, and during the two additional years which he passed in the "Bicetre," he had no paroxysm of fury. He rendered himself indeed useful in the establishment by exerting a certain degree of authority over the patients whom he governed after his own fashion, and over whom he elected himself a kind of superintendent. But the story of Chevinge, a soldier of the French guards, is looked upon as one of the most memorable feats of that interesting and eventful day. Whilst in the service he had but one fault—drunkenness; and when in this state he became turbulent, violent, and the more dangerous from his strength being prodigious. Owing to his repeated excesses he was dismissed from his regiment, and soon dissipated his limited resources. Shame and misery subsequently plunged him into such a state of depression that his intellect became disordered. In his delirium he thought he had been made a general, beat those who did not admit his rank and quality, and in consequence of a violent disturbance thus originating, he was taken to the Bicetre labouring under the most furious excitement. He had been confined, chained for ten years, and with more severity than most of his fellow sufferers, as he had frequently broken asunder his irons by the sole strength of his hands. On one occasion when he obtained momentary liberty in this manner, he set at defiance the united efforts of all his keepers to make him re-enter his cell. His strength had indeed become proverbial at the Bicetre. Penel on several visits had discovered in Chevinge an excellent disposition, marked by the excitement incessantly occasioned by cruel treatment. He promised the lunatic to speedily ameliorate his condition, and this promise itself rendered him more tranquil. Penel at length told him he should be no longer chained, "and to prove the confidence I have in thee," said he, "and that I regard thee as a man adapted for doing good, thou shalt aid me in freeing those unfortunates who have not their reason like thee; and if thou conductest thyself as I have reason to hope, I will take thee into my service, and thou shalt never quit me."

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"Never," says M. Scipion Penel, "in the whole history of human intellect was there a more sudden and complete revolution; the keepers themselves were impressed with respect and astonishment at the spectacle which Chevigne afforded." Scarcely was he liberated when he was seen anticipating, attentive to and following with his eye every motion of Penel, executing his orders with skill and promptitude, addressing words of reason and kindness to the insane, on the level of whom he had been but a short time previously. This man whom chains had kept degraded during the best years of his life, and who would doubtless have spent the remainder of his existence in the same wretched condition, became afterwards a model of good conduct and gratitude. Often in the different times of the revolution he saved the life of Penel, and on one occasion rescued him from a band of miscreants who were conducting him to the "Lanterne," owing to his having been an elector of 1789. During the time of famine he left the Bicetre every morning and returned with supplies of provisions which gold could not at that time procure. His whole life was one of perpetual devotion to his liberator. In the course of a few days the shackles were removed from fifty-three lunatics. An unexpected improvement followed from a course previously regarded impracticable and even fatal. The furious madmen who monthly destroyed hundreds of wooden utensils, renounced their habits of violence; others who tore their clothes and rioted in filth and nudity, became clean and decent; tranquillity and harmony succeeded to tumult and disorder; and over the whole establishment order and good feeling reigned." But time is not allowed me for the further detail of circumstances connected with an experiment which all will agree has been no less glorious in its results than it was wise, humane and extensive in its designs. Having already taxed your patience so heavily, prudence would require that this communication should be here closed. There is one other topic however with regard to which I feel the utmost degree of solicitude; and the great importance of which as well to the community at large, as to the cause which we all have so much at heart, will I trust successfully plead my apology for trespassing a few moments longer on your kind indulgence. Every day's experience adds but new proofs of the fatal consequences resulting to the insane from those mistaken feelings of kindness and humanity on the part of their kindred and friends, by which they are retained beyond the influence of the means provided in well managed asylums until their disease becomes confirmed and their recovery hopeless. And a sense of duty constrains me to call upon all whatever may be their circumstances or condition in life, to ponder well these consequences ere they decide to persevere in a course as irrational and ill-judged on their parts, as it is detrimental to the best interests of those for whose good they profess to act. Enough has surely been said in this report to convince even the most skeptical, that the inmates at least of our institution are treated with the utmost tenderness and humanity; and hence it can scarcely be supposed that any one will continue to harbour such prejudices as might have been induced by a contrary belief. My object therefore will be, as we hope there is nothing longer to fear on the score of feeling, to address a few remarks to the judgment and understanding of my fellow citizens in order to convince them if I can of the great importance not only of placing their insane friends in some well conducted institution designed for their relief, but of resorting thereto at an early period of their malady, that the aids to recovery may be rendered fully available. There is no general maxim in the treatment of insanity wherein medical authors and practitioners are so unanimous as that of separating the patient from all customary associations, his family and his home. Few persons when they become insane acknowledge being so; consequently when they find themselves placed under restraint in their own houses, denied intercourse with their families, and their orders not only disobeyed but themselves controlled by their own servants, they are naturally infuriated to a high degree; or imbibe a plausible and strong suspicion that a conspiracy is formed against their life, liberty and property. In all such cases requiring watchfulness or control the feelings of the patient are less outraged at restraints imposed upon him by strangers over whom he never exercised any authority, than by those on whose consideration he is conscious of possessing stronger claims, or whose sympathies he may hope to rouse by continued and persevering appeals to their kindness and former friendship. It often happens that maniacs who whilst in the bosoms of their families are turbulent and outrageous, so soon as they are taken charge of by strangers become at once peaceable and tranquil. So that whether we look at the care or comfort of the patient, it is certainly an act of kindness to remove him from the influence of incessant irritation and place him where the temptation to excitement is diminished and its room supplied by whatever can soothe and tranquillize. In most instances the mental disease has taken gradual root amid the associations of home; and the morbid ideas have connected themselves inseparably with the patient's family and friends. Those formerly most loved become often the objects of hatred and suspicion, and their presence tends greatly to provoke the disorder. The very walls of the house, the scenery by which it is surrounded, in short every thing capable from its connexion with the past of exciting an interest in his mind, increases his morbid associations and retards the return of health and reason. And in such cases can it be doubted that a change of scene and society, and the well conducted kindness and care of those whose duty it is thus to manage the inmates of an asylum, would not only benefit his general state but prepare him also for the ameliorating operation of both medical and moral treatment.

The great utility of removing the insane from home and its associations, and placing them in well regulated asylums during the earliest stage of the disease, has been strikingly enforced by that most unerring of all guides experience. Much was said upon this subject in my last report, to repeat which might be deemed superfluous.

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As having however a direct and powerful bearing thereupon, I cannot refrain from again exhibiting the comparative results in the treatment of recent and chronic cases of insanity, as these have been presented in the reports of various institutions in Europe and this country. In one of the French hospitals, of 2005 patients received during a specified time, 604 were cured during the first year of their malady; 497 during the second year, and only 127 in the succeeding eight years. In another institution of France, 746 from a certain number received, are reported to have been cured during the first year, whilst only 118 were restored of those who had been insane longer. In the York Retreat, of 42 patients placed under treatment within three months of their attack, 40 were cured. Of 45 admitted who had been insane between 3 and 12 months, 25 recovered; and of 79 whose disease had existed longer than one year, only 14 were restored. In the West Riding asylum, of 312 admitted within the first three months of their insanity, 206 recovered—whilst 318 whose disease had existed longer only 26 were cured. In the Massachusetts state asylum of 334 recent cases admitted, 294 were cured or deemed curable; of 118 received during second year of their malady 79 were cured or reported as curable, and of 353 whose disease had exceeded two years 61 only were deemed curable. In the M'Lean asylum 86 recent cases out of 100 received, and 38 per cent. of chronic cases. In the Bloomingdale asylum out of 68 recent cases 52 were cured, whilst of 178 cases of longer duration than one year only 6 recovered. And in this institution, as we have already seen, 83 per cent. of all cases which were introduced during the first year of their insanity have been cured and restored in the full possession of their faculties to their families and friends; whilst of the chronic cases but comparatively few have recovered. In view then of all that has been said and exhibited, the truth is irresistible that reason and experience combine to enforce the absolute importance of not only placing our friends in such institutions, but of doing so at the earliest period practicable after their disease has been observed. Should we not therefore "with a loud and earnest voice call the attention of the public to the utility, the humanity and the necessity of attending to the earliest indications of insanity, in whatever form they may appear?" The facts above disclosed, most forcibly admonish us never to suffer the favourable season for recovery to pass by unimproved. If the broad avenues through which this formidable enemy makes its attacks are, and they will be, still left open; if it is permitted to make unresisted incursions into the domains of the soul; then when the citadel of reason is first seen to totter under its assaults, and the pillars of judgment are shaken and torn from their places, and the passions are set on fire to consume all the treasures of joy and hope which have been garnered up for years, then let all of human energy and alertness be instantaneously put forth to rescue the scene from total and remediless desolation!

FRANCIS T. STRIBLING.

November 30, 1839.

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[DOC. No. 29.]

COMMUNICATION FROM THE BOARD OF PUBLIC WORKS.

OFFICE OF THE BOARD OF PUBLIC WORKS,
JANUARY 13, 1840.

SIR,

I transmit herewith a communication to the house of delegates in answer to their resolution of 24th December last, calling for information in relation to certain locks on the Chesapeake and Ohio canal.

I am, very respectfully,

Your obedient servant,

DAVID CAMPBELL,
President Board Public Works.

The honourable the Speaker of the House of Delegates.

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OFFICE OF THE BOARD OF PUBLIC WORKS,
13TH JANUARY 1840.

In compliance with a resolution of the house of delegates adopted on the 24th December last, instructing the Board of public works to transmit to the house "such information as the said board may be possessed of touching the constructing of certain locks along the line of the Chesapeake and Ohio canal, required to be constructed agreeably to the act, entitled 'an act to authorize a subscription on the part of the state of Virginia to the stock of the Chesapeake and Ohio canal company,' passed 20th February 1833," the Board of public works have the honour to report:

That not having in their possession at the date of the said resolution a complete series of the reports and documents of the Chesapeake and Ohio canal company, which it was supposed would enable the board to communicate to the house of delegates accurate information on the subject of said resolution, they delayed a compliance therewith until the reports and documents necessary to complete the series could be procured. This has now been done, and the board has caused a careful examination of their contents to be made, and herewith lay before the legislature extracts containing it is believed all that relates to the locks in question. The information they furnish is very insufficient. A correspondence with the company will therefore be forthwith opened by the Board of public works for the purpose of ascertaining the exact progress made in the construction of the locks, the result of which will be communicated to the legislature without delay.

An extract from the act containing the provision respecting the locks is also appended hereto.

Respectfully submitted.

DAVID CAMPBELL.

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EXTRACTS.

Fifth Annual Report of the President and Directors of the Chesapeake and Ohio Canal Company to the Stockholders, of June 3d, 1833, page 4.

"To the various works which are included in the May estimates there has been recently added by contract, in compliance with one of the conditions of the late subscription of Virginia, a lock opposite to Shepherdstown for the connexion of the river and canal navigation; the cost of this lock makes an addition of $12,500 to the sum already stated as the value of the work to be done, and a determination has been more recently formed by the board to transfer the locks which were about to be commenced two miles above to a point two miles below the mouth of the Opeccon, so as to subserve the same purpose with that last mentioned."

Page 6.—"The transfer of the locks from a point above to one about the same distance below the mouth of Opeccon will also favour the contemplated navigation from that stream whenever the canal along the base of the cliffs shall be completed, by exposing the boats which descend from its mouth to a shorter voyage on the broad bed of the river, in conformity, as has been suggested, with one of the conditions of the late Virginia subscription, which the board duly regarded."

Report of Capt. WILLIAM G. M'NEILL *on the condition of the Chesapeake and Ohio Canal, (dated December* 1, 1833,) *to Lieut. Col.* J. J. ABERT, *Topographical Bureau, War Department, Washington City. Congressional Doc. No.* 38, *page* 12.

"Besides these 44 lift locks, which have been enumerated, by which the canal overcomes 353 feet, a communication with the river is to be effected through the guard locks at the entrances of the feeders from the Potomac, and also through the several lift locks designed for the accommodation of the Virginia trade.

"One of the latter is directly opposite the junction of the Shenandoah river with the Potomac at Harper's Ferry, 637 yards above lock No. 32. It had been already finished, and is built of rubble masonry from materials obtained in the vicinity, and in all its dimensions (except the lift which is ten feet) it is similar to the locks of the canal.

"The plan of the canal contemplates at some future day a dam across the Potomac in this vicinity for the purpose of a feeder, and (which is more important) to form a basin of still water around the point of land on which the town of Harper's Ferry stands. In this event the lift of the Shenandoah lock would be reduced to eight feet, and the water would enter the canal at the foot of lock No. 32.

"Four similar locks are required to fulfil the conditions of the subscription to the stock of the canal company by the state of Virginia last winter. One opposite the mouth of Goose creek, which enters the Potomac opposite the foot of lock No. 25; another at the Point of Rocks; another opposite Shepherdstown, which had been placed under contract, (see fifth annual report, page 4;) and a fourth near the mouth of Opequon. The purposes of this last will however have been subserved, and it will in consequence be dispensed with by the transfer which had been determined on of locks Nos. 41 and 42, 'which were about to be commenced two miles above, to a point two miles below the mouth of the Opequon.'"

Sixth Annual Report of the President and Directors of the Chesapeake and Ohio Canal Company, June 2, 1834. *Page* 4.

Allusion is made to "two locks which by an act of the legislature of Virginia are required to be made, whereby to connect the canal with the Virginia shore, but which have not been undertaken, owing to the depressed state of the finances of the company."

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Ninth Annual Report of the President and Directors of the Chesapeake and Ohio Canal Company, June 12, 1837. *Page* 4.

"The lift locks near Edwards's ferry and opposite the mouth of Goose creek in Loudoun county, Virginia, are nearly completed, and in a few weeks will be in operation. They have been constructed under a provision of the law of that state making a subscription of $250,000 to the stock of this company. Through the medium of these locks the trade of the rich and populous county of Loudoun, bordering on the Potomac for forty miles, will be accommodated and drawn to the canal."

Act of 20*th February* 1833, *entitled "An Act authorizing a subscription by the State of Virginia to the stock of the Chesapeake and Ohio Canal Company." Last Proviso in the first section.*

(*Proviso.*)—That the said president and directors shall agree "to appropriate a sum not exceeding in amount eighty thousand dollars, towards the construction of suitable locks to enable the river boats to reach the canal and to return from it to the river again, at or near each of the following points on the river Potomac, to wit: the mouth of Goose creek and the base of Ketocton mountain in the county of Loudoun, the ferry across the Potomac at Shepherdstown in the county of Jefferson, and the ferry across the same river at Light's, or at the mouth of the Opequon in the county of Berkeley, and to cause the said locks to be constructed by the first of November one thousand eight hundred and thirty-five, and sooner if practicable."

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[DOC. No. 30.]

Letter from A. Robinson jr., Cashier of the Bank of Virginia, shewing the amount of Stock of the Bank held by Members of the House of Delegates, and their indebtedness as individuals or as members of Firms.

BANK OF VIRGINIA, JANUARY 13, 1840.

To the honourable the Speaker of the House of Delegates.

SIR,

In obedience to a resolution of the house of delegates adopted on the 6th instant, I have now the honour to submit the enclosed report.

And am, most respectfully,

Your obedient servant,

A. ROBINSON, Jr. *Cashier.*

In reply to a resolution of the house of delegates adopted on the 6th January 1840 "that the several banks of this commonwealth be required to communicate to this house a statement shewing the names of the members of this house who on this day are stockholders of the bank:

The amount of stock held by each:

How many and who are indebted to the bank in their individual capacity or as members of firms:

The amount of their liability as principal and as endorser:

And whether the amount of their indebtedness or liability as endorser has been at any time increased since the suspension of specie payments by some of the banks in October last."

The cashier of the Bank of Virginia to whom the resolution has been referred now communicates:

That by a careful inspection of the list of stockholders of that bank, the only names of members of the house of delegates appearing on that list on the day stated are

"Howson Clarke and *Wm. H. Clarke*, executors of John Clarke deceased, in trust for Chas. A. Clarke," holding 152 shares.

"*William H. Clarke*, surviving executor of John Clarke deceased, in trust for Charles A. Clarke," 51 shares.

"Howson Clarke and *Wm. H. Clarke*, executors of John Clarke deceased," holding 227 shares.

"*William H. Clarke*, surviving executor of John Clarke deceased," holding 185 shares.

"*John Guerrant*, trustee for Mary Ann Vizzonneau," holding 118 shares.

Arthur Smith holding 19 shares.

That *three* members of the house of delegates appear to be indebted to the Bank of Virginia on the day aforesaid as follows:

Wyndham Robertson esq.	stands as payer	$ 4533,	and as endorser	$ 2500
N. E. Venable esq.	"	-	as endorser for	2500
N. E. Venable & Company,	"	-	do. for	4900
O. M. Crutchfield, esq.	"	-	do. for	350

And that the amount of their indebtedness or liability appears not to have been at any time increased since October last, but within the periods stated the amounts have been diminished.

All which is respectfully submitted.

A. ROBINSON, Jr. *Cashier.*

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[DOC. No. 31.]

STATEMENTS

From several Banks affording information in answer to resolutions of the Committee on Banks.

To the Chairman of the Committee on Banks:

SIR,

According to a resolution of your committee adopted on the 6th inst., requiring the Bank of Virginia and the Farmers Bank of Virginia to lay before you a copy of the general statement of their conditions which would be laid before the meetings of stockholders, noting the bad and doubtful debts of said banks,

I now enclose a copy of the general state of the Bank of Virginia, including the branches, prepared on the 1st January 1840, and submitted by the board of directors of said bank to the general meeting of stockholders held on Tuesday the 7th inst.: to which is attached a table of the profits of the whole institution, as also of each of the departments, on the 1st July and on the 1st January last: a table of the variations between the statement now rendered and that rendered on the 1st January 1839: a statement of the dealings in exchange and the premiums received thereon: a table of the denominations of notes now in circulation, so far as they can be ascertained: which two last statements were omitted to be added to the statement rendered on the 2d December last as required by law.

And also a statement made by the president of the bank at the last meeting of stockholders, as to the state of the suspended debt:

And have the honour to be most respectfully,

Your obedient servant,

A. ROBINSON, Jr.,
Cash'r Bank of Virginia.

January 13, 1840.

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General state of the BANK OF VIRGINIA *including the Branches, prepared on the 1st January 1840, and submitted by*

DR.

Bills and notes discounted outstanding,	5,668,345 78
Stocks,	676,331 56
Real estate,	343,130 26
Specie,	649,568 64
Due from other banks,	514,956 89
	$7,852,333 13

	1st January 1839.	1st January 1840.		
Capital stock,	3,240,000 00	3,641,100 00	increased	401,100 00
Loans,	6,721,211 81	5,668,345 78	reduced	1,052,866 03
Circulation,	3,357,022 00	2,561,076 00	"	795,946 00
Deposits,	1,707,055 83	1,219,518 38	"	487,537 45
Specie,	699,515 50	649,568 64	"	49,946 86
Due from banks,	372,773 78	123,313 89	"	249,559 89

Contingent fund, 483,762 38 from which is to be deducted an ascertained bad debt of 260,000 00

$223,762 38*

The amount of each denomination of notes in circulation consists so far as the returns shew,

Of bills of $100 each	505,100 00
50 "	340,850 00
20 "	440,240 00
10 "	437,820 00
5 "	181,770 00
1 & 2	93,329 50
post notes,	13,699 00
The precise denominations at Lynchburg office cannot be ascertained, but the circulation there is	548,267 50
Total,	$2,561,076 00

* It was not deemed expedient under existing circumstances either by the president and directors of the bank or by the stockholders, to divide at present any portion of the surplus fund belonging to the old stockholders because the bank has a considerable amount of old debt suspended, which although it is considered as well secured cannot at once be collected owing to the difficulty of the times, and because it was believed good policy to abstain from paying out in any form during the suspension of specie payments more money than was actually necessary, and by that means to keep the bank more strongly fortified against the consequences of the resumption of specie payments whenever it shall take place. In the mean time the bank and branches are granting such moderate discounts as the trade of the several places absolutely requires without enlarging the aggregate amount of the outstanding debt.

JOHN BROCKENBROUGH, *President.*

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the Board of Directors of that bank to the general meeting of Stockholders held on Tuesday the 7th day of January 1840.

CR.

Capital stock originally paid in, - - - -	3,240,000 00	
Do. recently subscribed by state, - - -	325,000 00	
Do. subscribed by individuals, - - -	76,100 00	
		3,641,100 00
Circulation, - - - - - -		2,561,076 00
Discounts received, - - - - -		13,032 32
Due other banks, - - - - -		391,743 00
Balances due the branches in account, - - -		25,863 43
Deposits, - - - - - -		1,219,518 38
		$7,852,333 13

Net profits of the Bank of Virginia, 1839—

	Capital employed.	Net profits.		Half year's per centage.	Per centage per year.
At Richmond, - -	1,250,000 00	47,845 52	July	3.83	7.44
	1,579,100 00	57,082 28	January	3.61	
At Norfolk, - -	440,000 00	10,289 41	July	2.34	3.36
		4,474 24	January	1.02	
At Petersburg, - -	450,000 00	22,629 32	July	5.03	8.20
		14,276 14	January	3.17	
At Fredericksburg, -	300,000 00	15,197 66	July	5.06	8.73
		11,009 82	January	3.67	
At Lynchburg, - -	300,000 00	17,650 91	July	5.88	9.23
		10,045 69	January	3.35	
At Danville, - -	150,000 00	11,581 10	July	7.72	10.97
		4,880 10	January	3.25	
At Charleston, - -	150,000 00	8,461 53	July	5.64	9.49
		5,780 91	January	3.85	
At Buchanan, - -	200,000 00	7,214 45	July	3.60	5.60
		4,004 14	January	2.00	
At Portsmouth, - -	72,000 00	Gross profits from commencement,		$2,308 35	less than ex-
penses, - - -					190 33
Net profits on - -	3,240,000 00	140,869 90	July	4.35 per cent.	
" - -	3,641,100 00	111,362 99	January	3.06 "	

The dealings in exchange for the past year of the whole institution except the branch at Buchanan from which we have no return, and the amount there is inconsiderable, amounts to - - - - - -	4,457,513 84
The amount of discounts and premiums received thereon, - - -	75,337 10

A. ROBINSON, Jr. *Cashier.*

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To N. E. Venable Esq.,
Chairman of the Committee on Banks.

SIR,

In reply to the resolution of your committee, communicated on the 6th inst., requiring the presidents of the banks which have suspended specie payments to report the aggregate indebtedness of each of the boards of directors at the time of such suspension; and likewise the aggregate amount of such indebtedness on the first day of January 1840,

The undersigned now reports:

That on the 15th October 1839, the members constituting the board of directors of the Bank of Virginia, in their own characters, or in the names of the different firms to which some of them belonged, were indebted to said bank in the aggregate sum of $60,038 37 cents as payers, and as endorsers in the amount of $142,037 45 cents.

On the 1st day of January 1840, they were likewise indebted as payers in the aggregate sum of $50,359 51 cents, and as endorsers in the sum of $128,014 90.

Very respectfully,

A. ROBINSON, Jr., *Cas.*
Bank of Virginia.

January 13, 1840.

List of Names of Members constituting the Boards of Directors of the Bank of Virginia, from 17th September to the 26th November, inclusive.

At a meeting of the directors of the Bank of Virginia on the 17th day of September 1839, the following members were present:

John Brockenbrough, Robert Gwathmey, Thomas Vaden, John Cosby, John R. Triplett, Thomas I. Deane, John Womble, L. Burfoot treas'r.

On the 24th September—John Brockenbrough, John Cosby, John Womble, Thomas I. Deane, Wm. Gray, Thomas Vaden, Mann S. Valentine, Robert Gwathmey, the Treasurer.

On the 1st October—John Brockenbrough, Robert Gwathmey, Wm. Gray, Mann S. Valentine, Thomas Vaden, John R. Triplett, John Cosby, Thomas I. Deane.

On the 8th October—John Brockenbrough, Robert Gwathmey, Mann S. Valentine, L. Burfoot treas'r, Thomas Vaden, Wm. Gray, Thos. I. Deane, John Cosby, Alfred T. Harris, John Womble, Jno. R. Triplett.

On the 11th October—John Brockenbrough, Wm. Gray, John R. Triplett, Robert Gwathmey, Thomas Vaden, George T. Booker, Jno. Womble, John Cosby, Jaq. P. Taylor, Thos. I. Deane, L. Burfoot treas'r, M. S. Valentine, Alfred T. Harris.

On the 15th October—John Brockenbrough, Robert Gwathmey, Jno. R. Triplett, Thomas Vaden, M. S. Valentine, L. Burfoot treas'r, Jno. Womble, Thos. I. Deane, Alfred T. Harris, J. P. Taylor, Wm. Gray.

On the 22d October—Robert Gwathmey, Thomas Vaden, Alfred T. Harris, Jaquelin P. Taylor, William Gray, Thomas I. Deane, Jno. Womble, John R. Triplett and John Cosby.

On the 24th October—Robert Gwathmey, John R. Triplett, Thomas Vaden, Thomas I. Deane, Alfred T. Harris, John Womble, Jaq. P. Taylor, L. Burfoot treas'r, Wm. Gray, Mann S. Valentine, Geo. T. Booker.

On the 29th October—John Brockenbrough, Robert Gwathmey, John Cosby, Thomas Vaden, Mann S. Valentine, Geo. T. Booker, Thos. I. Deane, Jaq. P. Taylor, John R. Triplett, John Womble, Wm. Gray, Alfred T. Harris, L. Burfoot treas'r.

On the 5th November—Robert Gwathmey, Jaq. P. Taylor, Mann S. Valentine, William Gray, Thomas Vaden, Alfred T. Harris, John Womble, Thomas I. Deane, John R. Triplett, John Cosby, Geo. T. Booker.

On the 12th November—John Brockenbrough, Jaq. P. Taylor, Mann S. Valentine, John R. Triplett, Thomas Vaden, Alfred T. Harris, John Womble, John Cosby, George T. Booker, Thos. I. Deane.

On the 19th November—John Brockenbrough, John R. Triplett, Jno. Cosby, Jaq. P. Taylor, Mann S. Valentine, John Womble, Thos. Vaden, Robert Gwathmey, Thos. I. Deane, Alfred T. Harris.

On the 20th November—John Brockenbrough, Robert Gwathmey, Thos. I. Deane, John R. Triplett, Alfred T. Harris, John Womble, Jaq. P. Taylor, George T. Booker.

On the 26th November—John Brockenbrough, Jaq. P. Taylor, Wm. Gray, Thos. I. Deane, Jno. Womble, Thos. Vaden, Robert Gwathmey, John Cosby.

A. ROBINSON, Jr., *Cas.*

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FARMERS BANK OF VIRGINIA,
JANUARY 13, 1840.

SIR,

I have the honour to enclose certain statements called for by two resolutions of the committee on banks, and have the honour to be,

Very respectfully,

Your ob'dt servant,

WM. H. MACFARLAND, *Pres't.*

To N. E. VENABLE, Esq.
Chairman, &c. &c.

STATEMENT *shewing the aggregate indebtedness of the Board of Directors of the Farmers Bank of Virginia on the 12th October* 1839 *and on the 1st January* 1840.

Aggregate amount 12th October 1839,	-	-	-	$65,504 86
Aggregate amount 1st January 1840,	-	-	-	68,615 63

RO. A. PAYNE, *Discount Clerk.*

The board of directors consisted of fourteen members, one having previously resigned. The aggregate amounts appearing above include all the paper of which any one of the board is payer, and consist in part of notes given in the course of business, which third persons have had discounted, without the payer of the notes being accommodated thereby.

RO. A. PAYNE, *Discount Clerk.*

STATEMENT *shewing the aggregate indebtedness of Concerns of which Directors of the Farmers Bank of Virginia are members, on the 12th October* 1839 *and on the 1st January* 1840.

Aggregate amount 12th October 1839,	-	-	-	$68,169 64
Aggregate amount 1st January 1840,	-	-	-	73,157 85

RO. A. PAYNE, *Discount Clerk.*

The aggregate amounts appearing above include all the paper of concerns of which any member of the board is a partner, and consist in part of notes given in the course of business, which third persons have had discounted, without the payers of the notes being accommodated thereby.

RO. A. PAYNE, *Discount Clerk.*

State of the FARMERS BANK OF VIRGINIA, *including the Branches, on the 1st January* 1840.

Debt outstanding, (all descriptions,)				4,819,561 88	Capital stock,	-	-	2,601,800 00
Sterling bills,	-	-	-	34,163 75	Notes in circulation,	-	-	2,047,102 50
Stocks,	-	-	-	103,907 50	Deposite money,	-	-	873,385 51
Specie,	-	-	-	529,199 29	Due to Bank of United States, 18th inst.,			14,954 60
Notes of other banks,	-	-		187,825 69	Due to other banks,	-	-	176,736 26
Due from other banks,	-	-		409,659 76	Contingent fund,	-	-	436,206 77
Real estate,	-	-	-	195,760 21	Profit and loss,	-	-	129,893 44
				$6,280,078 08				$6,280,078 08

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Bad and Doubtful Debt of the FARMERS BANK OF VIRGINIA *and Branches on the 1st January* 1840.

At Richmond,	-	-	-	30,864 78
At Norfolk,	-	-	-	185,525 23
At Petersburg,	-	-	-	6,100 00
At Fredericksburg,	-	-	-	9,400 00
At Lynchburg,	-	-	-	500 00
At Winchester,	-	-	-	17,528 77
At Danville,	-	-	-	10,000 00
				$259,918 78

It is expected that some portion of the debt reported bad and doubtful will be collected, to ensure which result diligent efforts will be used. It will be perceived the contingent fund exceeds the bad and doubtful debt by near 8 per cent. upon the late capital of the bank. To adjust accounts between the old and new stockholders the contingent fund so far as it may be needed will be held to restore the capital, and the residue distributed among the old stockholders. The bad and doubtful debt with a small exception had its origin many years ago.

J. G. BLAIR, *Cas.*

EXCHANGE BANK OF VIRGINIA,
NORFOLK, January 11, 1840.

N. E. VENABLE, ESQ.,

DEAR SIR,

Your favour of the 6th instant was duly received, and in compliance therewith you have the statement required. This bank resumed specie payments on the 4th of last month.

Yours very respectfully,

JNO. SOUTHGATE, *Pres't pro tem.*

Aggregate indebtedness of the Board of Directors at the Exchange Bank of Virginia on the 16th of October 1839, *and on the 1st of January* 1840, *viz:*

Amount of indebtedness on the 16th of October 1839,	-	-	-	$70,704 26
Amount of indebtedness on the 1st January 1840,	-	-	-	69,250 17

JNO. SOUTHGATE, *Pres't pro tem.*

Exchange Bank of Virginia, Norfolk, January 11th, 1840.

OFFICE EXCHANGE BANK OF VIRGINIA,
RICHMOND, 10th January 1840.

SIR,

I respond to the resolution of the committee on banks, accompanied by your letter of the 6th instant, by stating that on the 12th October last, the day on which this bank suspended specie payments,

The aggregate amount for which the directors of this bank were payers individually was	-		2,500 00
And that of the several houses in which any of them were partners was,	-	-	15,149 55
			$17,649 55

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That on the 1st January as individuals they were payers for,	-	-	-	4,800 00
And that the several houses in which any of them are partners was,		-	-	39,252 42
				$44,052 42

The amount due on the 1st instant is endorsed by, or discounted for twenty-six different parties.

Very respectfully,

Your obedient servant,

JAMES CASKIE, *Pres't.*

OFFICE DISCOUNT AND DEPOSIT,
LEESBURG, January 9th, 1840.

N. E. VENABLE, ESQ., *Chairman, &c.,*

DEAR SIR,

Your favour of the 6th instant is just received covering a resolution of the committee on banks, over which you preside; in compliance with which, I state that the aggregate indebtedness of our board at the time of our suspension of specie payments, (the 15th October 1839,) was, - - $81,930
And on the 1st of January 1840, - - - - - 50,690

It is proper perhaps to remark that the above amounts embrace the indebtedness of the board as co-drawers with others not members of the board for $15,500 loaned to assist in making the two turnpike roads in this neighbourhood, and $7900 as co-drawers with others for other purposes, making their individual indebtedness
on the 15th of October, - - - - - - $58,530
And on the 1st of January, - - - - - - 27,440

I am, sir, yours respectfully,

RICH'D H. HENDERSON, *Pres't.*

CHARLESTOWN, 10th January 1840.

SIR,

Your letter of the 4th instant was received to-day requiring a statement of the aggregate indebtedness of the directors of this office of the Valley bank at the time of the suspension of specie payments, also the aggregate amount of such indebtedness on the first day of January 1840.

In answer I have to state, that the aggregate indebtedness of the thirteen directors of this office at the time of the suspension of specie payments, was nineteen thousand eight hundred and fifty dollars, and that the aggregate amount of their indebtedness on the first day of January 1840 was eighteen thousand five hundred and seventy-five dollars.

Very respectfully,

Your obedient servant,

THOMAS GRIGGS,
President Office Valley Bank Charlestown.

N. E. VENABLE, ESQ., *Chairman of Committee on Banks.*

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[DOC. No. 32.]

FARMERS BANK OF VIRGINIA.

FARMERS BANK OF VIRGINIA,
JANUARY 16TH, 1840.

SIR,

The enclosed returns have been made by the offices of discount and deposit at Petersburg and Fredericksburg, and I have now the honour to lay them before your committee.

With great respect,

Your obed't serv't,

WM. H. MACFARLAND, *Pres't.*

N. E. VENABLE, Esq.
Chairman, &c.

PETERSBURG, 16TH JANUARY 1840.

To the Committee of the Legislature on Banks.

GENTLEMEN,

On the opposite sheet you have the aggregate amount due to this bank at the times specified in your resolution calling for such information, which relates to the directors, previous to the last election. And I beg leave further to state that this branch *did not suspend specie payments* at all until the *last* act passed at the present session of your body, but that specie or its equivalent was paid up to that time to all who insisted upon it.

Any other information in my power will be cheerfully afforded if required. All of which is respectfully submitted.

WM. ROBERTSON, *Pres't*
Farmers Bank, Petersburg.

STATEMENT *shewing the aggregate indebtedness of the Board of Directors of the Office of Discount and Deposite of the Farmers Bank of Virginia, Petersburg, on the 15th of October* 1839 *and 1st January* 1840.

	15th Oct. 1839.	1st Jan. 1840.
Due by individual directors, - - -	27100 00	27100 00
Due by firms, of which directors are members, -	15600 00	15600 00
	42700 00	42700 00

The above is the aggregate amount due by the directors of this bank at the times referred to in your resolution calling upon me for information.

Respectfully,

WM. ROBERTSON, *Pres't*
Farmers Bank, Petersburg.

January 16th, 1840.

To the Committee of the Legislature on Banks.

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Resolution from the Committee on Banks.

Resolved, That the presidents of the banks of this commonwealth which have suspended specie payments be requested to communicate to the committee on banks the aggregate indebtedness of each of the boards of directors of these institutions at the time of such suspension, and likewise the aggregate amount of such indebtedness on the first of January 1840.

	Oct. 12th.	*Jan. 1st.*	REMARKS.
Indebtedness of the board of directors,	$ 25400 00	29400 00	Nineteen thousand eight hundred and fifty dollars, personal security. Nine thousand five hundred and fifty dollars, on bank stock.

In obedience to the resolution of the committee on banks, the cashier of the office of discount and deposite of the Farmers Bank at Fredericksburg has the honour to report the above statement, which furnishes all the information called for by the said resolution.

All which is respectfully submitted.

HUGH M. PATTON, *Cash.*

January 14th, 1840.

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[DOC. No. 33.]

FARMERS BANK OF VIRGINIA,
JANUARY 16, 1840.

SIR,

I have the honour to enclose certain returns made by this bank and the offices of discount and deposit at Fredericksburg and Petersburg, in obedience to the resolution of the house of delegates of the 6th instant, and am,

With high consideration,

Your obedient servant,

WM. H. MACFARLAND, *Pres't.*

To THOMAS W. GILMER, ESQ., *Speaker, &c.*

List of Members of the House of Delegates who are Stockholders in the Farmers Bank of Virginia, (*6th January* 1840.)

Thomas W. Gilmer,	5	shares.
Richard E. Byrd,	2	"
Arthur Smith,	13	"
Alexander Fitzhugh,	14	"
	34	shares.

STATEMENT *shewing the indebtedness of the Members of the Virginia Legislature either as payers or endorsers, on the 12th October* 1839 *and on the 1st January* 1840.

As Individuals.	Payers 12th October 1839.	Payers 1st January 1840.	As Individuals.	Endorsers 12th October 1839.	Endorsers 1st January 1840.	As members of Firms.	Payers 12th October 1839.	Payers 1st January 1840.	Endorsers 12th October.	Endorsers 1st January 1840.
Ro. B. Corbin, -	-	-	Ro. B. Corbin,	580 00	980 00					
A. Leyburn, -	-	-	A. Leyburn,	700 00	700 00					
N. E. Venable, -	-	-	N. E. Venable,	-	-	N. E. Venable & Co.				
W. L. White, -	1000 00	1000 00				drawers of drafts,	-	-	-	1000 00
Jacob Michaux, -	-	-	J. Michaux,	200 00	200 00					

RO. A. PAYNE,
Discount Clerk Farmers Bank of Virginia.

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STATEMENT *shewing the Names of Members of the House of Delegates who are indebted to the Office of Discount and Deposit of the Farmers Bank of Virginia Petersburg, as individuals and as members of Firms, and their liabilities as endorsers on the 15th October* 1839 *and 6th January* 1840.

	15th October 1839.		6th January 1840.	
	Payer.	Endorser.	Payer.	Endorser.
Creed Haskins, (individual) -	300 00	-	300 00	
N. E. Venable & Co. (firm) -	6300 00	-	6300 00	
Thomas Whitworth, (individual) -	7900 00	13721 46	7900 00	12500 00
Whitworth & Archer, (firm) -	600 00	1712 50	600 00	1712 50
John F. May, (individual) -	-	2500 00	-	2500 00

N. B. The endorsement of Mr. May is for a friend in which he has no interest other than his liability.

WM. CLARKE, *Cashier.*

Resolution from the House of Delegates.

Resolved, That the several banks of this commonwealth be required to communicate to this house a statement shewing the names of the members of this house who on this day are indebted to the banks in their individual capacity or as members of firms. The amount of their liability as principal and as endorser, and whether the amount of their indebtedness or liability as endorsers has been increased since the suspension of specie payments by some of the banks in October last.

Names.	As Payers.	As Endorsers.	Total Liability.	Increase since suspension.
Joseph Hiden, - - -	400 00	2150 00	2550 00	
Oscar M. Crutchfield, - -	150 00	-	150 00	
Rob. E. Scott, - - -	-	250 00	250 00	
Edw. T. Tayloe, - - -	-	550 00	550 00	
Alex. Fitzhugh, - - -	-	290 00	290 00	
	550 00	3240 00	3790 00	

In obedience to the resolutian of the house of delegates the cashier of the office of discount and deposit of the Farmers Bank of Virginia at Fredericksburg, has the honour to report the above statement which furnishes all the information called for by said resolution.

All which is respectfully submitted.

HUGH M. PATTON, *Cashier.*

January 14, 1840.

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EXCHANGE BANK OF VIRGINIA.

EXECUTIVE DEPARTMENT,
JANUARY 20, 1840.

SIR,

I transmit herewith for the information of the general assembly, a quarterly statement to the 31st December last, of the Exchange Bank of Virginia.

I am, respectfully,

Your ob'dt servant,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

EXCHANGE BANK OF VIRGINIA,
JANUARY 15, 1840.

SIR,

In compliance with the provisions of law I have the honour to enclose you herewith the quarterly statement of this institution.

Very respectfully,

Your most ob'dt serv't,

W. SOUTHGATE, *Cashier.*

To his Excellency DAVID CAMPBELL,
Governor of Virginia.

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GENERAL STATEMENT *of the* CONDITION *of the* ***EXCHANGE BANK***

LOANS IN	Local Notes and Bills.	Domestic Bills of Exchange.		
At Exchange Bank, - -	436,900 93	36,378 71	473,279 64	
Office, Richmond, -	448,586 99	200,917 21	649,504 20	
Do. Petersburg, -	442,571 21	206,221 85	648,793 06	
Do. Clarkesville, -	185,398 75	52,622 59	238,021 34	
	1,513,457 88	496,140 36		2,009,598 24
On personal security, - - - - -			1,719,040 36	
Do. do. and stock pledged, - - -			264,050 88	
Do. do. and deeds of trust, - - -			26,507 00	
Suspended debt at office in Richmond, - - -				7,565 86
Stock issued by the commonwealth of Virginia, - - -			288,000 00	
Interest due the 31st December 1839, - - -			8,640 00	
				296,640 00
Due from other banks in account, - - - -			96,498 04	
in notes of Virginia banks, - -			86,239 00	
in notes of banks elsewhere, - -			23,604 00	
				206,341 04
		2,520,145 14		
Real estate at Exchange Bank, - - - -			15,520 40	
Office, Petersburg, - - - -			13,117 99	
Do. Clarkesville, - - - -			8,363 90	
				37,002 29
Expenses at the offices since 30th November last, - -				2,376 05
Specie at Exchange Bank, - - - -			58,953 26	
Office in Richmond, - - - -			83,765 33	
Do. Petersburg, - - - -			68,611 22	
Do. Clarkesville, - - - -			51,703 91	
				263,033 72
In Gold, - - - - -			148,690 61	
Silver and cents, - - - -			114,343 11	
				$2,822,557 20

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OF VIRGINIA and Branches, on the 31st December 1839.

Capital stock, viz:				
Subscribed by the commonwealth of Virginia, -	9000 shares	900,000 00		
individuals, - -	8488 "	848,800 00		
Whole number of shares subscribed,	17488	1,748,800 00		
Remaining unpaid:				
By the commonwealth, 1550 shares, -	155,000 00			
individuals on 167 " -	10,687 19			
		165,687 19		
Paid in,		1,583,112 81		
Bonus No. 1 and 2, - - -	5,918 18			
Dividend on No. 1, - - -	75 15			
		5,993 33		
				1,589,106 14
Distribution at office in Richmond, - -	-	415,000 00		
do. Petersburg, - -	-	415,000 00		
do. Clarkesville, - -	-	166,000 00		
Remaining at Exchange Bank, - -	-	593,106 14		
Circulation, viz:—At Exchange Bank, - -	-	95,760 00		
Office Richmond, - -	-	184,440 00		
do. Petersburg, - -	-	204,060 00		
do. Clarkesville, - -	-	179,655 00		
				663,915 00
Due to other banks, - - - -	-	-		91,677 81
Public deposits, - - - -	-	-		5,878 66
Dividends unclaimed, - - -	-	968 00		
Individual deposits, viz:—At Exchange Bank, -	83,758 75			
Office Richmond, -	137,779 60			
do. Petersburg, -	130,535 39			
do. Clarkesville, -	21,097 33			
		373,171 07		
				374,139 07
	1,135,610 54			
Balances in accounts of Exchange Bank and branches, -	-	-		6,154 73
Contingent fund, - - - -	-	-		24,574 53
Discount and interest at the offices since 30th November, -	-	-		8,508 50
Exchange " " " -	-	-		4,329 98
Profit and loss, - - - -	-	-		54,272 78
				$2,822,557 20

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RETURN REQUIRED BY LAW.

1. Amount of capital stock actually paid in,						1,583,112 81	
And additional stock, bonus						5,918 18	
							1,589,030 99
2. Value of real estate, cost						-	37,002 29
3. Amount of stock subscribed,		17,488	shares,			1,748,800 00	
Do. remaining unpaid on		1,717	do.			165,687 19	
							1,583,112 81
4. Total amount of debts due to the bank,						-	2,520,145 14
5. Total amount of debts due from the bank, independently of the stockholders,						-	1,135,610 54
6. Exchange will appear in the account annexed.							
7. Bad and doubtful debts at Richmond,						-	7,565 86
8. Amount of gold and silver coin, say gold						148,690 61	
silver &c.						114,343 11	
							263,033 72
9. Amount of money deposited by public officers,						5,878 66	
" individuals,						374,139 07	
							380,017 73

10. Amount of bills in circulation, viz:

In	100's.	50's.	20's.	15's.	10's.		
At Exchange Bank,	206	465	944	858	2016	95,760 00	
Richmond Office,	467	755	2008	1660	3493	184,440 00	
Petersburg do.	616	926	1613	2098	3243	204,060 00	
Clarkesville do.	707	823	1272	1541	1925	179,655 00	
	1996	2969	5837	6157	10677		663,915 00

11. Bills on hand of banks incorporated by the state,		86,239 00	
12. Do. do. do. elsewhere,		23,604 00	
			109,843 00
13. Rate and amount of the last dividends of profits on the 7th January 1840:			
On 15,938 shares at $3,		47,814 00	
And on $5918 18, additional stock, last bonus, in proportion,		177 55	
		47,991 55	
Less bonus to the state,		3,999 30	
Net dividend at $2 75,		43,992 25	
14. Surplus or contingent fund on the 31st Dec'r '39,		24,574 53	
Add'l " 7th Jan'y '40,		6,281 23	
			30,855 76

W. SOUTHGATE, *Cas.*

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EXCHANGE ACCOUNT.

At Exchange Bank:			
On $ 7,785 95 northern funds at ½ per cent., -		38 91	
915 00 southern funds at 1½ do. -		13 72	
550 00 do. do. 2½ do. -		13 75	
31,851 84 specie, bought at 5 *a* 7¼ in current funds, - - - -		2,166 78	
Balance 31st December 1839, - -		902 28	
	3,135 44		
At Richmond office:			
On $ 9,295 49 northern funds Baltimore and Philadelphia ½, New York 7 *a* 10 per cent.		351 65	
On $ 40,721 22 foreign exchange, - -		11 11	
Balance carried to profit and loss 30th November,		5,178 36	
Balance 31st December 1839, - -		2,524 71	
	8,065 83		
At Petersburg office:			
Balance carried to profit and loss 30th November,		2,333 28	
Balance 31st December 1839, - -		520 16	
	2,853 44		
At Clarkesville office:			
Balance carried to profit and loss 30th November,		72 52	
Balance 31st December 1839, - -		382 83	
	$ 455 35		

At Exchange Bank:			
Balance on 30th September 1839, -		1,354 67	
On $ 4,841 91 northern funds at ½ per cent., - -	24 20		
20,671 01 do. 1 do.	206 69		
750 00 do. 2 do.	15 00		
770 00 do. 3 do.	23 10		
1,412 00 do. 5 do.	70 60		
3,000 00 do. 5½ do.	165 00		
183 13 do. 7 do.	12 82		
2,000 00 do. 9 do.	180 00		
3,479 00 do. 10 do.	347 90		
2,000 00 do. 12 do.	240 00		
2,000 00 do. 12½ do.	250 00		
2,052 00 do. for	28 06		
		1,563 37	
On $ 1,150 01 southern funds at 1 per cent., - -	11 50		
7,532 00 do. 1½ do.	112 94		
2,278 00 do. 2½ do.	56 96		
200 00 do. 3 do.	6 00		
		187 40	
Gain on gold, - -		30 00	
			902 28
		3,135 44	
At Richmond office:			
Balance 30th September 1839, -		2,181 56	
On $ 181,051 23 chiefly northern funds at from 5 to 8 per cent. on New York, and ½ to 1 p. cent. on the other places,		5,734 80	
On $ 64,044 96 foreign exchange, -		149 47	
			2,524 71
		8,065 83	
At Petersburg office:			
Balance on 30th September 1839, -		1,024 57	
On $ 8,752 00 northern funds at ½ per cent. - -		21 88	
45,716 00 do. ½ do.		228 58	
4,873 34 do. ¾ do.		36 55	
18,172 00 do. 1 do.		181 72	
8,984 00 do. 2 do.		179 68	
236 00 do. 3 do.		7 08	
8,267 75 do. 4 do.		330 71	
16,409 40 do. 5 do.		820 47	
370 00 do. 6 do.		22 20	
			520 16
		2,853 44	
At Clarkesville office:			
Balance on 30th September 1839, -		18 92	
On $ 100 00 New York funds at 1½ per cent., - - -		1 50	
433 50 do. 10 do.		43 35	
Gain on gold, - - -		8 75	
On 866 00 Baltimore funds at ½ per cent., - - -		4 33	
1,500 00 Philadelphia do. ½ do.		7 50	
2,450 00 New York do. 10 do.		245 00	
1,800 00 do. do. 7 do.		126 00	
			382 83
		455 35	
Amount in general statement, -			$ 4,329 98

JNO. SOUTHGATE, *President pro tem.*

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We, the subscribers, directors of the Exchange Bank of Virginia, have examined the aforegoing account and statements, and certify that they exhibit an accurate and just statement of the condition of the bank as it existed on 1st day of January 1840.

JNO. SOUTHGATE,
GEORGE M'INTOSH,
GEO. WILSON,
SAM. W. PAUL,
THOMAS F. ANDREWS,
JAMES CORNICK,
W. J. HARDY,
RICH'D DICKSON.

NORFOLK BOROUGH, *to wit:*

This day personally appeared before me, an alderman of said borough, Wright Southgate, cashier of the Exchange Bank of Virginia, who made oath that the annexed statements contain an accurate and just account of the state and condition of said bank as it existed on the 1st day of January 1840.

Given under my hand and seal this 15th day of January 1840.

GEO. WILSON, (*Seal.*)

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[DOC. No. 35.]

BANK OF VIRGINIA—BRANCH AT NORFOLK.

OFFICE BANK OF VIRGINIA,
NORFOLK, January 14, 1840.

GEO. W. MUNFORD, Esqr.

DEAR SIR,

I have just received your favour of the 6th enclosing two resolutions of the committee on banks, &c., and annex the statement required, viz:

1st. On the 1st of October last the aggregate indebtedness of our board, consisting of thirteen directors, amounted to - - - - - 41,970 00
And on the 1st of January 1840, - - - - - 39,785 00

Curtailed, - - $2,185 00

Of this amount about $6000 was on personal security and the balance on pledges of bank stock.

2nd. We do not know of a stockholder who is a member of the legislature and indebted to us one dollar.

Yours respectfully,

THOM. WILLIAMSON, *Cashier.*

The above is correct.

WILLIAM B. LAMB, *Pres't.*

BANK OF THE VALLEY IN VIRGINIA—BRANCH AT ROMNEY.

ROMNEY, JANUARY 16, 1840.

SIR,

In obedience to a resolution of the committee on banks, I now make the following report:

The aggregate indebtedness of the board at this office on the day of suspension, 14th October 1839, was $32,782, and on the 1st day of January 1840 the indebtedness of the board remained the same.

JOHN B. WHITE, *President*
Office of Valley Bank at Romney.

N. E. VENABLE, Esq., *Chairman of Committee.*

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[DOC. No. 36.]

STATEMENT

Of the Northwestern Bank of Virginia shewing the members of the Legislature who are stockholders in the Bank, and their indebtedness as individuals or as members of firms.

NORTHWESTERN BANK OF VIRGINIA,
WHEELING, January 14, 1840.

GEO. W. MUNFORD, ESQ., *C. H. D.:*

DEAR SIR,

I transmit the information called for by resolution of the house of delegates on 6th instant.

I am,

Yours very respectfully,

J. LIST, *Cash'r.*

STATEMENT *of the N. W. Bank of Virginia at Wheeling, Virginia, January 14th, 1840.*

NAMES.	Stock owned.	Liabilities as debtors.	Liabilities as endorsers.	Total liabilities as payers and endorsers.	
James M. Stephenson, - -	2000 00	300 00	100 00	400 00	
Moses C. Good, - - -	-	550 00	420 00	970 00	$350 of this borro'd
Wm. M. Connell, - - -	-	100 00	-	100 00	on the 28th Nov.

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[DOC. No. 37.]

FARMERS BANK OF VIRGINIA.

FARMERS BANK OF VIRGINIA,
RICHMOND, January 20, 1840.

SIR,

In obedience to a resolution of the house of delegates passed on the 6th inst. requiring the banks of this commonwealth to communicate to the house a statement shewing the names of the members of the house who are stockholders and the number of shares held by each, also the amounts of their liabilities at the times and in the manner therein stated, this bank has heretofore reported in behalf of the mother bank and branches at Petersburg and Fredericksburg, and I have now the honour to enclose further returns this day received from all the other branches of this institution, viz: at Norfolk, Lynchburg, Winchester and Danville.

I am, with high respect,

Your obedient servant,

J. G. BLAIR, *Cashier.*

To the Speaker of the House of Delegates.

BRANCH AT NORFOLK.

The Cashier of the Office of the Farmers Bank of Virginia at Norfolk, states in obedience to a resolution of the House of Delegates, passed January 6th, 1840, that the only members of that house who are indebted to the said office are the following, viz:

Due by Joseph T. Allyn in October 1839,	-	$1897 50
And which amount has been since decreased to	$1857 50	
Liability of the same as endorser in October 1839,	-	2959 00
And which amount has been since decreased to	2912 00	
Due by Sam'l Watts and by S. & W. Watts,	-	354 00

H. WOODIS, *Cas.*

Office Farmers Bank of Va. Norfolk, January 15th, 1840.

BRANCH AT LYNCHBURG.

A STATEMENT *shewing the names of Members of the House of Delegates who are indebted to the Farmers Bank of Virginia at Lynchburg, in their individual capacities and as members of firms.*

Wm. M. Burwell in his individual capacity does not owe any thing, he is a partner of a firm in Lynchburg whose indebtedness was

On the 12th Oct'r 1839, payer $5965 08 endorser $3274 15
On the 1st Jan'y 1840, do. 3103 15 do. 2806 98

Thos. P. Mitchell is one of the securities in a bond for $6000, these being the only members who are indebted to this bank.

A. TOMPKINS, *Cashier.*

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BRANCH AT WINCHESTER.

Amount of indebtedness of the Members of the House of Delegates in the Farmers Bank of Virginia, Winchester.

NAMES.	Liability as drawer.	Liability as endorser.	Liability as drawer since the suspension.	Liability as endorser since the suspension.	
Wm. C. Worthington, -	-	300 00			
Richard E. Byrd, - -	680 00	3650 00			
Edmund P. Hunter, -	666 00				
Nath'l Burwell, - -	-	3600 00		5116 00*	*$1516 of this amount which was discounted since the suspension has been paid.

GEO. ORRICK, *Cash'r*,
By Geo. Sievers, *Teller*.

BRANCH AT DANVILLE.

FARMERS BANK OF VIRGINIA,
Danville, Jan'y 14, 1840.

DEAR SIR,

In responding to the enquiries contained in the resolution adopted by the house of delegates on the 6th, and communicated in your letter of the 11th instant, I beg leave to state:

That Jno. Keen & Son, of which firm the delegate from this county of that name is a member, was indebted to this office at the period specified in the said resolution in the sum of $1050, and that the said Jno. Keen was liable at the same time as endorser in the sum of $1900, his liability as such having been reduced $85 since the suspension. That Jno. C. Staples the delegate from the county of Patrick was at the same period indebted in the sum of $800, having reduced his debt since the suspension $200. And that William M. Burwell, one of the delegates from the county of Bedford, was liable at the same time as endorser with six other gentlemen, on a note for the sum of $20,000, and which has not been increased since the suspension.

I am very respectfully,

Your ob't serv't,

JAMES LANIER, *Cas.*

J. G. Blair, Esq., *Cas.*

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[DOC. No. 38.]

NORTHWESTERN BANK OF VIRGINIA.

EXECUTIVE DEPARTMENT,
JANUARY 21, 1840.

SIR,

I transmit for the information of the general assembly, a statement of the condition of the Northwestern Bank of Virginia and its branches at Wellsburg and Parkersburg on the 1st instant.

I am very respectfully,

Your ob't serv't,

DAVID CAMPBELL.

To the Speaker of the House of Delegates.

NORTHWESTERN BANK OF VIRGINIA,
WHEELING, January 14, 1840.

D. CAMPBELL, ESQ., *Gov.*:

DEAR SIR,

I enclose to you a statement of this bank and its branches on the 1st inst.,

And am,

Yours very respectfully,

J. LIST, *Cash'r.*

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State of the Northwestern Bank of Virginia including branches at Wellsburg and Parkersburg Virginia, Jan. 1, 1840.

Bills discounted:				Capital stock,	734,900 00
Promissory notes,	671,808 19			Bills in circulation, $ 5 notes,	38,100
Bills of exchange, of which $ 1100 is bad,	146,291 39			10 "	156,040
		818,099 58		20 "	12,240
Real estate,		20,283 18		50 "	11,800
Virginia 6 per cent. stock,		88,582 00			218,180 00
Due by other banks,		20,604 32		Due com'lth of Virginia on account bonus,	35 00
Due by L. Burfoot, treasurer, inst. on stock,		2,657 46		Surplus fund,	11,266 87
Specie, silver and gold,		112,107 30		Due to other banks,	35,904 55
Bank notes:				Dividend No. 36 on $ 733,800,	22,014 00
Incorporated by the state,	9,309 00			Wheeling Savings institution,	1,513 66
Incorporated by other states,	22,276 00			Pension agency,	2,243 59
		31,585 00		Depositors,	67,861 17
		$ 1,093,918 84			$ 1,093,918 84

The dividend declared for the last 6 months was 3 per cent.
The amount of profits arising from exchanges and premiums for the last 6 months was $ 4416 23.

Attest,

ARCH'D WOODS,
SAM'L SPRIGG,
WM. B. ATTERBURY,
R. C. WOODS,
W. B. TYSON,
A. M. PHILLIPS,
} *Directors of the Northwestern Bank of Virginia.*

Ohio County, Virginia:

Personally appeared before me the subscriber, a justice of the peace for said county, John List, cashier, who being duly affirmed according to law declared that the foregoing statement was just and true to the best of his knowledge and belief. Given under my hand this 13th day of January 1840.

GEO. DULTY, *J. P.*

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[DOC. No. 39.]

LITERARY FUND.

OFFICE OF THE LITERARY FUND,
20TH JANUARY 1840.

SIR,

Enclosed is a communication for the house of delegates, which you will please lay before that body.

I have the honour to be,

Very respectfully,

Your most obedient servant,

DAVID CAMPBELL,
President of the Literary Fund.

To the honourable the Speaker of the House of Delegates.

Memorial of the President and Directors of the Literary Fund to the General Assembly of Virginia.

Your memorialists respectfully represent:

That Martin Dawson of the county of Albemarle died possessed of a large real and personal estate. He left a will by which he liberated his negroes, gave special legacies to his relations, and devised the residue of his estate real and personal to establish three seminaries of learning, and in the event of that devise failing, he devised the residue aforesaid to his executors "to be used in constituting a part of the Literary fund of the state of Virginia—two thirds of the interest on it to be used by the school commissioners of Albemarle in the same way the fund allotted for the said county is used; the other one third of the interest on it to be appropriated and used by the school commissioners for the county of Nelson in the same way—and from time to time, as the legislature may think advisable, the principal to be used for like objects for the benefit of the said counties in the same proportions as the interest is directed to be used."

A copy of the will of Martin Dawson is hereto annexed marked A.

A suit was instituted in the circuit superior court of law and chancery for Albemarle county by the heirs and distributees of Martin Dawson to have these devises declared void and the estate distributed. The president and directors of the Literary fund were made defendants to this bill, and asserted the validity of the devise.

The judge of the circuit superior court of Albemarle decreed that the devise was void, and that the heirs and distributees were entitled to the estate. From this decree the president and directors of the Literary fund appealed. The court of appeals reversed the decree of the judge of the court below, and decided that the estate was given by the will to the executors in trust for the purpose of procuring an act of assembly with the necessary provisions for constituting the funds devised a part of the Literary fund in strict conformity with the terms, provisions and conditions of the will.

A copy of the opinion delivered by the president of the court, which was concurred in by the other judges, marked B., and a copy of the decree of the court marked C., are herewith submitted.

The president and directors of the Literary fund are advised that although in the opinion of the court it is declared to be the especial duty of the executors to apply for a law to carry the devise into effect, yet that a law passed by the legislature without such application by the executors would be valid, and feeling it to be incumbent on them as far as may be in their power to carry out the benevolent intentions of the testator, they have determined to present the subject to the general assembly.

The decision of this case shews that the act of incorporation of the president and directors of the Literary fund is insufficient to enable them to take and hold property devised to them for the special use of the school commissioners of any county of the commonwealth. They therefore pray the passage of an act authorizing them to receive and hold the estate of Martin Dawson for the objects specified in the 17th section of his will, and out of the same to defray such expenses as have already been and may be hereafter incurred by them in sustaining this devise, including special compensation to the attorney general for his services, and so enlarging their powers that they may in future take devises made to them for the use of the school commissioners of any county of the commonwealth or for the purposes of education, and to hold and apply such devises on the terms and in the manner directed in the respective wills making or containing such devises.

DAVID CAMPBELL,
President of the Literay Fund.

OFFICE OF THE LITERARY FUND,
16*th January* 1840.

(A.)

MARTIN DAWSON'S WILL.

In the name of God, amen: I, Martin Dawson of the county of Albemarle being in perfect health and of sound mind and memory, but not knowing at what time it may please God to call me from this life, do make and ordain this my last will and testament, hereby revoking all former wills and testaments by me made, viz: I after this life consign my body to the earth and my soul to my God—hoping through the mercies of Jesus Christ my redeemer to receive forgiveness of my sins, and do devise what worldly goods it hath pleased God to endow me with in the following manner, viz:

1st. It is my will and desire that all my just debts and funeral expenses be first paid out of my estate. I at this time owe, as will appear from my books, three thousand four hundred and six dollars and six cents. The amount on my books of M. and E. Dawson's heirs, and Elijah Dawson, to be deducted from the sums I owe said estates.

2d. It is my will and desire that what slaves I may depart this life the owner of be emancipated by my executors and removed to some part of the world where slavery is not tolerated, and from my present view the settlement in Africa of the African colonization society is the most advisable; and for the object of so removing them and finding them with the necessaries of life, my executors *is* to use of my estate for each slave so emancipated, two hundred dollars. Should it be contrary to the laws of the country to emancipate slaves at my death, and such leave cannot be obtained, or should any of the slaves I may depart this life owner of choose to remain slaves at (or before) the expiration of twelve months after my death, such as choose to remain slaves to be sold in families and to be allowed to choose their masters so far as practicable; for this object my estate to remain together twelve months after my death except the perishable parts thereof.

3d. My deceased brother Pleasant Dawson by his last will left his estate to me, but devised such parts as I might not use to Pleasant L. Dawson, which said Pleasant L. hath since departed this life, but hath left legal issue. Such parts of the said estate as I may not use during my life it is my will and desire be equally divided between said Pleasant L.'s children and their heirs after the death or marriage of his widow, who is to enjoy said estate during her widowhood after my death only.

4th. I give to beloved brother John S. Dawson deceased's children surviving at my death two thousand dollars, to be equally divided between such survivors.

5th. I give to my beloved brother Benjamin Dawson two thousand dollars, and should said Benjamin depart this life before I do, I then give said sum to his eldest surviving son, he paying each of his surviving brothers and sisters their equal parts of same.

6th. I give to my beloved sister Susanna Adams, if living at my death, two thousand dollars—if deceased, I then give said sum to her eldest surviving son, he paying each of his surviving brothers and sisters their equal parts of the same.

7th. I give to my beloved sister Polly Adams a like sum and in a like manner.

8th. I give to my beloved sister Elizabeth Ford a like sum and in a like manner.

9th. I give to my beloved sister Nancy White what she owes me, which is about two thousand dollars, to be disposed of as she may think advisable.

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10th. I give to the daughters of my deceosed sister Priscilla, viz: Sally Dawson and Elizabeth Faber, or the survivor of them at my death, two thousand dollars, to be (if both living) equally divided between them—if not, the survivor and survivor's heirs the whole of the said two thousand dollars, to be used as they choose. A payment by my executors of the respective said sums to each of my said brothers and sisters if living, and if not to their eldest surviving son, must be a sufficient acquittal to said executors for and on account of such payment, trusting that such sons will apply it as required.

11th. I give the Rivanna navigation company my thirty shares of their stock to me belonging.

12th. I give the Rivanna river and Rockfish turnpike company my five shares of their stock to me belonging.

13th. I hereby direct my executors (if not before purchased) to purchase ten acres of land where my father, mother and other relations *is* buried in the county of Nelson, to be forever held and known by the name of John Dawson and family's grave-yard, and to have a sufficient quantity of the same for the said object well enclosed with durable stone wall, in which it is my wish for my remains to be decently interred.

14th. I give my tract of land called College estate, lying within three miles of University of Virginia on Buiscuit run, containing upwards of five hundred acres, to the rector and visitors of the said University of Virginia and their successors in office for the use of fuel, &c. for the university forever.

15th. I give to my relation and friend William W. Dawson my wearing apparrel, books, watch, horse and saddle, also the goods I may have in the hands of William W. Dawson & Co. unsold at my death, also my part of the profits in the mercantile concern of William W. Dawson & Co., he paying for my stock and the sums allowed him for his services with interest, in which concern I became a partner for no other object but to promote the said William's interest, and therefore I relinquish my right to the profits.

16th. It is my will and desire that the balance of my estate real and personal, be used by my executors for the purpose of erecting three seminaries of learning: one on my tract of land called Belle Air; one on my tract of land around the town of Milton, my lots in said town to be taken as a part; one in the county of Nelson, as near the grave-yard in this mentioned, as a proper site can be procured: said tracts of land as also the one to be procured, to forever remain for the use and benefit of the said seminaries of learning. Said seminaries to be called by such names as my executors may think proper—and to be calculated for about thirty students, and the necessary buildings for teachers, which I suppose may be erected for about ten thousand dollars each. Should my estate fall short, the improvements to be in proportion to it; should it produce more, the overplus to be for the benefit of the said seminaries, in equal proportions, to be used for the education of such youth as *is* not able to pay teacher's fees; and I should be greatly gratified if in the course of education adopted at the said schools, a certain proportion of each day could be appropriated to labour of some kind or other, for which object said plantations *is* very well calculated. This mode of education seems to me necessary in this country. At any of said seminaries my relations to be admitted as students free of tuition fees.

17th. Should my executors fail to carry into effect said 16th devise for seminaries of learning (which I hope and trust they will not), then the real and personal estate devised for said objects to be used by my executors in constituting a part of the literary fund of the state of Virginia, and two thirds of the interest on it to be used by the school commissioners for the county of Albemarle in the same way the school fund allotted for the said county is used. The other one third of the interest on it to be appropriated and used by the school commissioners for the county of Nelson in the same way—and from time to time as the legislature may think advisable, the principal may be used for like objects, for the benefit of the said counties, in same proportions as the interest is directed to be used. An act of assembly for said object, supposed can be obtained.

18th. Making this, strongly impresses on my mind the blessings and comforts of a family—I therefore strongly recommend my faults in this respect to be avoided by others.

19th. Should I leave legal issue, such issue to be entitled to the whole of my estate, and the devises aforesaid to have no effect, and their education to be proportioned to my estate.

20th. All subjects belonging to me are mentioned on my books, and they are balanced yearly. My executors need not go back beyond the last balance struck on my books.

21st and last. I do hereby constitute and appoint my friends Henry T. Harris, William C. Rives, Alexander Rives and William W. Dawson executors to this my last will and testament, who, my said executors, are hereby authorized to dispose of all my estate both real and personal, not in this will otherwise disposed of—such sale not to take place in less than twelve months after my death, except the perishable parts. I would advise that my executor H. T. Harris attend to the seminary of learning in the county of Nelson and the emancipation of the slaves—my executors W. C. and A. Rives attend to the seminaries of learning in this county—and that my executor William W. Dawson attend to the payment of legacies. In witness whereof, I hereto set my hand and affix my seal, this 31st day of July one thousand eight hundred and thirty-three, and in the sixty-first year of my age.

MARTIN DAWSON [*Seal.*]

Signed, sealed and delivered by MARTIN DAWSON
to be his last will and testament, in presence of

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A codicil to my last will and testament, which is deposited in the hands of Martin Thatcher for safe keeping—And my Belle Air estate I give to my nephew Benjamin Dawson for the equitable support and maintenance of the slave population thereon. I give Martin Thatcher one thousand five hundred dollars, should he be my survivor, for the object of finishing the mill he is now at work upon.

MARTIN DAWSON [*Seal.*]

Teste,

CHARLES CARTER,
B. F. RANDOLPH,
ROBERT C. WINGFIELD.

Belle Air, May 22d, 1835.

At a court held for Albemarle county 1st day of June 1835, an instrument of writing purporting to be the last will and testament of Martin Dawson dec'd, was produced into the court, and it being proved to the satisfaction of the court that the same is in the handwriting of the testator, by the oaths of Samuel Carr, Charles Carter and Robert C. Wingfield—Thereupon the same together with the codicil thereto annexed—being proved by the oaths of Charles Carter, B. F. Randolph and Robert C. Wingfield, witnesses thereto, is ordered to be recorded.

Teste,

IRA GARRETT.

A copy—Teste,

IRA GARRETT, *C.*

(B.)

DAWSON'S HEIRS—OPINION OF THE COURT.

LITERARY FUND
vs.
DAWSON.

Upon more mature consideration of this will, I am of opinion that its true construction removes every difficulty and renders unnecessary the consideration of various questions made in the cause.

First; I shall remark that according to my apprehension here is no direct devise to the Literary fund. The effect of the will is to devise the estate real and personal to the executors, for *they* are to "use it in constituting a part of the Literary fund." The testator does not himself constitute the estate a part of it, for he had in effect preferred another disposition, and it was only in failure of *that* that this destination was given to it. Hence he finds it necessary to vest the power of disposition in the executors. They are to constitute the estate part of the Literary fund. And the exercise of this power implies a devise to them for the purpose declared.

Secondly; I understand the last sentence of the clause in these words, "an act of assembly for said object supposed can be obtained," as extending to the whole clause, and not merely to the provision for the use of the principal. 1st. Because it stands in a separate and distinct sentence equally applicable to the whole as to part of the clause. 2. Because it was equally necessary for the whole as for part. 3. Because as to the use of the principal, a legislative act had been already in effect adverted to by the words "from time to time as the legislature may think advisable;" for their resolution as to that matter could only be declared by an act of assembly.

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Thirdly; By whom is the act to be obtained? Clearly by those to whom the trust is confided of constituting the estate a part of the Literary fund, that is by the executors.

Thus understood, the will is equivalent to a devise to the executors of his real and personal estate in trust for the purpose of procuring an act of assembly with the necessary provisions for constituting the funds devised a part of the Literary fund in strict conformity with the terms, provisions and conditions of the will. By such an act of assembly all the difficulties suggested by the fertile mind of the counsel will be avoided, and the benevolent intentions of the testator carried into complete effect. And as this act is to be obtained by the executors, the contingency of its passage is within a life or lives in being, and therefore not too remote. The case is thus very much the same with that of the Sailors' Snug harbour. 3 Peters, 100.

I am of opinion that the decree should be reversed so far as respects the declaration that the devise in the 17th clause of the will is void, and that the bill should be dismissed with costs as to the president and directors of the Literary fund without prejudice to the rights of the parties or to their assertion of them hereafter in the event of the failure to procure the necessary act of assembly within the period limited.

(C.)

DAWSON'S HEIRS—DECREE OF COURT OF APPEALS, March 30, 1839.

The President and Directors of the Literary Fund, *Appellants,*
against
William W. Dawson, *acting executor of Martin Dawson deceased,* Benjamin Dawson *and others, the heirs at law of the said Martin Dawson deceased,* *Appellees.*

Upon an appeal from a decree pronounced by the circuit superior court of law and chancery held for Albemarle county on the fourteenth day of October 1837, in a suit in which the said Benjamin Dawson and others were plaintiffs and the appellants and others were defendants:

This day came the parties by their counsel, and the court having maturely considered the transcript of the record of the decree aforesaid and the arguments of counsel, is of opinion that so much of the said decree as declares that the devise in the seventeenth clause of the will of the testator, Martin Dawson deceased, is void, is erroneous; therefore it is decreed and ordered that the said decree, so far as the same is above declared to be erroneous, be reversed and annulled, and that the appellee who is an executor, out of the estate of his testator in his hands to be administered, and the other appellees in their own right, do pay unto the appellants the costs expended in the prosecution of the appeal aforesaid here. And the court proceeding to pronounce such decree in lieu of that part reversed as aforesaid, as the said circuit superior court ought to have pronounced, it is further decreed and ordered that the bill as to the appellants be dismissed, and that the appellees who were plaintiffs in the said circuit superior court do pay unto the appellants their costs by them in the said circuit superior court expended. But this decree is to be without prejudice to the rights of the parties or to their assertion of them hereafter in the event of the failure to procure the necessary act of assembly within the period limited.

Which is ordered to be certified to the said circuit superior court.

Pronounced March 30th, 1839.

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[DOC. No. 40.]

REPORT OF THE COMMITTEE ON BANKS

On the Condition of the Banks of this Commonwealth, and the Causes of the late Suspension of Specie Payments.

The committee on banks charged with the duty of enquiring into the condition of the banks of this commonwealth, and of reporting the causes of the late suspension of specie payments, and such measures of relief, (if any,) as may be required, beg leave to make the following report:

The committee have received from the officers of the several banks a statement of their condition respectively through this house as well as replies to sundry interrogatories. These statements being in possession of the house and the answers to the several interrogatories having by the action of the committee been communicated already to the house, in place of a detailed report, the committee deem it expedient to present the information thus obtained in this form, and to embody the conclusions which they think that information warrants in the following resolutions:

1. *Resolved*, That the several banks of this commonwealth which have suspended specie payments are not justly obnoxious to censure for having adopted that measure.

2. *Resolved*, That in the opinion of this committee the solvency of said banks is free from all rational doubt, and that there is just ground to believe that they will be ready to resume specie payments when the banking institutions of Baltimore and Philadelphia shall do so.

3. *Resolved*, That provision by law ought to be made to relieve the banks and the community from the effect that the suspension of specie payments under existing laws has on the character and business of the banks.

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[DOC. No. 41.]

VIRGINIA MILITARY INSTITUTE.

EXECUTIVE DEPARTMENT,
JANUARY 22, 1840.

SIR,

I communicate for the information of the general assembly, a copy of the report of the principal professor of the Military institute at Lexington.

Very respectfully,

Your ob'dt servant,

DAVID CAMPBELL.

The Speaker of the House of Delegates.

RICHMOND, JANUARY 21, 1840.

His Excellency DAVID CAMPBELL,
Governor of Virginia.

SIR,

I have the honour to transmit to your excellency the report of major Francis H. Smith, the principal professor of the Virginia military institute. This being his first report since the Institute has been in operation is particularly interesting. The success obtained at the beginning under most unfavourable circumstances, and which is mostly due to the ability and untiring exertions of Mr. Smith, encourages the hope that the institution will realize the expectations of its friends and prove itself worthy of the patronage of the legislature.

Very respectfully,

Your most ob'dt serv't,

C. CROZET,
President Board of Visitors.

VIRGINIA MILITARY INSTITUTE,
LEXINGTON, January 1, 1840.

Col. CLAUDIUS CROZET.

SIR,

By the instruction of the board of visitors of the Virginia military institute, it becomes my duty to report to you the condition of the institution, and the progress and duties of the cadets under my command.

Guard.—The cadets have performed guard duty regularly since the institution went into operation. They have been vigilant and efficient in the discharge of their duties, and although the weather for the greater portion of the time has been of unexampled severity, they have never shrunk from any duty which the laws have imposed upon them. I feel therefore warranted in saying that a more efficient guard could not be placed in charge of the property deposited at this arsenal.

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Studies.—Academic duties were commenced as soon as a room could be provided for the class recitations. Mathematics and French have principally occupied their time, in both of which they have made considerable progress. I have thought proper in addition to require each cadet to write compositions and declaim once each month. It gives me great pleasure to state that they have prosecuted their studies with zeal, and with a determination to profit by the advantages which their state has placed within their power. From the impossibility of their attending with regularity divine services on the sabbath, I was induced to form them into a class for biblical instruction. This class recites every Sunday afternoon to the professors alternately, and I am happy to say that these exercises have been attended with interest, and I trust with improvement on the part of the cadets.

Steward.—I have not observed any violation of contract on the part of the steward. On the contrary, having repeatedly attended the table of the cadets during their meals, I have invariably found the provisions good, well served up and in abundance. The steward however labours under great embarrassment from the want of proper accommodations for his family. His kitchen is so small and his room so contracted that he cannot keep his table supplied with the variety which he would desire. Believing that the legislature will in due time provide for our wants in this respect, he cheerfully submits to much personal inconvenience to meet the wishes of the board. I would observe that the most perfect order has at all times been observed in the hall on the part of the cadets.

Servants and Musicians.—I have secured the services of two negroes as musicians, who are also employed in chopping wood, hauling water and attending to the other wants of the Institute.

Water.—I feel it to be my duty to call the attention of the board to the necessity of a regular supply of water at the Institute. While the public property is much endangered from fire, the labour of hauling the water required for the daily wants of the cadets is a severe tax upon the Institute.

Recitation Rooms &c.—The want of proper rooms for class recitations is one of the most serious inconveniences under which we labour. The board will see the propriety of having their attention early called to this subject as well as to the necessity of providing a suitable room for public examinations &c. The cadets have with my approbation formed themselves into a literary society and feel greatly the need of a room for their exercises. Believing as I do such an association to be of the utmost importance, I feel no hesitation in recommending to the board that they be provided with a suitable hall.

Buildings.—Very little has been done towards the completion of the buildings since the winter has commenced. They are partially covered but none of the rooms have been completed. I have however been enabled to bring all the cadets excepting 2 or 3 within the walls of the barracks and all are comfortably established.

Washington College.—Eighteen of the students of Washington college have joined the military class of the Institute. As French is at present taught in W. C., none of its students have attended this department of the Institute. After this session we may expect a class of from twenty to twenty-five regularly.

Irregular Cadets.—Two irregular cadets, J. S. Swann and H. L. Shields have been admitted since the last meeting of the board.

Drills.—The cadets were daily practised the infantry drill while the weather permitted; and they are now sufficiently instructed to understand all the duties relating to guards.

Merit Rolls and Conduct Rolls.—Accompanying this report are the rolls of the cadets in their order of merit and in conduct. You will observe that several of them have the distinction of never having violated a law of the Institute. While others have committed offences they have without exception been of a minor character, and I have no occasion to notice any vicious habits nor the slightest disposition to disregard the authorities of the Institute. I mention these facts particularly that the board may be assured that so far from the cadets being restive under a pretty tight discipline, they have been conscientious in the extreme in the discharge of every duty.

Health.—The general health of the cadets has been very good. Occasional colds, but nothing more than usually attend a similar number of young men any where.

Public Property.—The arms, accoutrements &c. have been frequently inspected and are in good order.

I have the honour to be,

Your ob't serv't,

FRANCIS H. SMITH,
Principal Professor.

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FARMERS BANK OF VIRGINIA.

FARMERS BANK OF VIRGINIA,
RICHMOND, January 20, 1840.

SIR,

In obedience to a resolution of the committee on banks, received with your communication of 6th inst. requiring to be reported to it the aggregate indebtedness of each of the boards of directors of this institution at the time of suspension of specie payments, and likewise the aggregate amount of such indebtedness on the 1st January 1840, this bank has heretofore reported on behalf of the mother bank and the branches at Petersburg and Fredericksburg, and I have now the honour to enclose returns this day received from all the other branches, viz: at Norfolk, Lynchburg, Winchester and Danville.

I am, with high respect,

Your obedient servant,

J. G. BLAIR, *Cashier.*

To N. E. VENABLE, Esquire,
Chairman of the Committee on Banks.

BRANCH AT NORFOLK.

STATEMENT *shewing the aggregate indebtedness of the Board of Directors of the Office of the Farmers Bank of Virginia at Norfolk, at the time of the suspension of specie payments in October* 1839, *and also on the 1st January* 1840.

Aggregate amount of indebtedness in October 1839,	-	-	$38,486	
Do. do. do. January 1840,	-	-	40,328	

H. WOODIS, *Cas.*

Office Farmers Bank of Virginia,
Norfolk, Jan'y 15th, 1840.

BRANCH AT LYNCHBURG.

Aggregate indebtedness of the Board of Directors of the Farmers Bank of Virginia at Lynchburg, on the 12th October 1839 *and on the 1st January* 1840.

Payer 12th October 1839,	-	-	$59,730 12	
Do. 1st January 1840,	-	-	48,090 24	
				Less 11,639 88
Endorser 12th October 1839,	-	-	54,663 20	
Do. 1st January 1840,	-	-	34,607 35	
				Less 20,055 85

A. TOMPKINS, *Cashier.*

Of the above indebtedness a commission house in Richmond of which one of the directors is a partner owes for acceptances on drafts discounted $22,000.

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BRANCH AT WINCHESTER.

The aggregate indebtedness of the Board of Directors of the Farmers Bank of Virginia Winchester.

Aggregate indebtedness on the day of suspension,	-	-	43,960 18*
Aggregate indebtedness on the 1st January 1840,	-	-	45,260 18
Increase of indebtedness since the suspension,	-	-	$1,300 00

* This amount includes a debt which though standing in the name of one of the board as drawer, is in fact the debt of an incorporated company. (Amount of debt $11,050 18.) Two other debts are included in this amount which stand in the name of two members of the board, one for $600 for the use of the county of Frederick, and the other for $500 for the use of the corporation of Winchester, making the aggregate $12,150 18.

GEO. ORRICK, *Cash'r*,
By Geo. W. Seevers, *Teller*.

BRANCH AT DANVILLE.

FARMERS BANK OF VIRGINIA,
Danville, Jan'y 14, 1840.

DEAR SIR,

In answer to the enquiries contained in the resolution of the committee on banks communicated in your letter of the 11th instant, I beg leave to state, that the aggregate indebtedness of the board of directors at this office amounted on the 15th of October last (the period at which it was understood the banks in Richmond suspended specie payments) to the sum of $28,320, and that the same was increased up to the 1st day of January 1840 to the sum of $35,400. This increase it may not be improper to state has been recently made by loans for short periods to those of the board who are engaged in the purchase of produce, to enable them to continue their operations, and which for the most part are to be paid at maturity by drafts upon the north.

I am very respectfully,

Your ob't serv't,

JAMES LANIER, *Cas.*

J. G. Blair, Esq., *Cas.*

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[DOC. No. 43.]

COMMUNICATION

From the Cashier of the Bank of the Valley, enclosing a Statement of the condition of the Bank and its Branches on the 1st instant, and answers to the Resolution of the House of Delegates of the 6th instant.

BANK OF THE VALLEY IN VIRGINIA,
JANUARY 18, 1840.

GEORGE WYTHE MUNFORD, Esq.
Clerk of the House of Delegates.

SIR,

I have the honour to hand herewith answers to the resolutions of the house of delegates and the committee on banks, passed on the 6th instant.

I also enclose a statement shewing the condition of this bank and its branches on the 1st inst., all of which you will be pleased to communicate to the house and the committee.

I am, very respectfully,

Your obd't servant,

H. M. BRENT, *Cash'r.*

STATEMENT *shewing the amount of indebtedness of the Boards of Directors of the Bank of the Valley in Virginia and its Branches at Romney, Charlestown and Leesburg, on the 14th day of October* 1839, *and the 1st day of January* 1840, *in answer to a Resolution of the Committee on Banks, passed the 6th day of January* 1840.

	No. of Directors.	Amount of indebtedness on 14th day of October 1839.	Amount of indebtedness on 1st day of January 1840.
At the mother bank, - - - -	9	13,100 00	11,844 00
At the branch at Romney, - -	13	32,780 00	32,780 00
At the branch at Charlestown, - -	13	19,850 00	18,575 00
*At the branch at Leesburg, - -	13		

*No response from the office at Leesburg has been received at the mother bank, but by a letter from the president of that office I am informed that he has responded by a direct communication to the chairman of the committee.

In addition to the amount of indebtedness of the board of directors of the mother bank as above, one of the directors, who is also president of the common council of the corporation of Winchester, was by authority of a special act of the common council the drawer of notes on the 14th of October 1839, amounting to $ 8600, which had been increased on the 1st of January 1840 to $ 10,700, the whole of the former and $ 10,000 of the latter sum being a temporary loan made by the bank to pay a subscription on the part of the corporation of Winchester to the Valley turnpike company, which debt is not only secured to the bank by a pledge of the faith of the corporation, but is also secured by undoubted personal security. The remaining $ 700 was loaned for purposes of internal improvement within the corporation, and is secured in like manner.

It was not considered proper to include this debt in the aggregate amount of indebtedness of the board, but yet it has been deemed proper to inform the legislature of the facts.

H. M. BRENT, *Cash'r.*

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STATEMENT *shewing the names of the Members of the House of Delegates of Virginia who were on the 6th day of January* 1840, *Stockholders in the Bank of the Valley in Virginia, and the amount of Stock held by each; how many and who are indebted to said Bank, and the amount of their liability as principal and as endorser &c., in answer to a Resolution of the House of Delegates, passed on the 6th day of January* 1840.

Names of Stockholders.	*Amount held by each.*
Robert L. Baker,	24 shares.
Richard E. Byrd,	5 "
David Gibson,	12 "
Henry T. Harrison,	1 "
George H. Lee,	20 "
Wm. C. Worthington,	10 "

Indebtedness of Members of the House of Delegates at the Mother Bank.

Richard E. Byrd as drawer for $ 420, and as endorser for $ 297.
Nathaniel Burwell as drawer for $ 3560, and as endorser for $ 200.
Edmund P. Hunter as drawer for $ 350.
Anthony Kennedy as endorser with others for $ 1500.
Robert E. Scott as endorser with others for $ 1500.

At the Office at Charlestown.

Wm. C. Worthington as drawer for $ 980, and as endorser for $ 2280.
Anthony Kennedy as drawer for $ 900.
Edmund P. Hunter as drawer for $ 260, and as drawer with another person for $ 600, and as endorser for $ 120.
Jacob Myers as endorser for $ 2000.

At the Office at Romney.

William Seymour as drawer for $ 1000, and as endorser with others for $ 24,857.
David Gibson as endorser with others for $ 38,568.
James Allen as endorser with others for $ 2689.

At the Office at Leesburg.

Sanford J. Ramey as drawer for $ 432 28, and as endorser for $ 2323.
John Powell as endorser for $ 1200.

The indebtedness of neither of the above named persons has been increased either as drawer or endorser at any time since the suspension of specie payments in October last, but the liabilities of some of them have been decreased since that period both as drawer and endorser.

H. M. BRENT, *Cash'r.*

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State of the BANK OF THE VALLEY IN VIRGINIA, *including its Offices of Discount and Deposit January* 1, 1840.

Specie,		257,826 85	Capital stock, (old)	690,000 00	
Notes of banks "incorporated by the state,"		51,026 87	" " (new)	370,000 00	
Notes of banks "incorporated elsewhere,"		140,068 49			1,060,000 00
Due from other banks,		251,763 71	Notes in circulation:		
Notes discounted,		1,335,362 07	In notes of $ 100 each,	48,700 00	
Inland bills discounted,		148,700 04	" " " 50 "	69,750 00	
Bond accompt,		6,418 85	" " " 20 "	443,220 00	
Stock,		15,000 00	" " " 10 "	227,330 00	
Real estate—4 banking houses,		36,137 93	" " " 5 "	110,050 00	
Real estate purchased to secure debt,		1,047 50	" " " 2 "	10,224 00	
Bad debts,	$ 5,390 51		" " " 1 "	5,843 00	
Doubtful debts,	9,093 49				915,117 00
			Due to other banks,		18,189 06
			Discount,		37,511 67
			Contingent fund,		12,571 89
			Deposit money,		199,962 69
		$ 2,243,352 31			$ 2,243,352 31

Nett profits for the half year ending January 1, 1840, - - - - -	36,973 62
Dividend of 3 per cent. declared on the 7th instant on $ 1,060,000, - - - -	31,800 00
Amount added to the contingent fund, - - - -	$ 5,173 62

OBED WAITE, *President.*
JACOB BAKER,
DANIEL GOLD,
D. W. BARTON,
WM. STEPHENSON,
JOHN MILLER,
} *Directors.*

VIRGINIA—*Frederick County, set:*

This day personally appeared before the subscriber, a justice of the peace in and for the county aforesaid, Henry M. Brent, cashier of the Bank of the Valley in Virginia, and made oath that the foregoing statement exhibits a true state of the said bank on the 1st day of January 1840 to the best of his knowledge and belief; being condensed from reports made under oath by the cashiers of the mother bank and its branches.

Given under my hand this 18th day of January 1840.

THO. CRAMER.

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[DOC. No. 44.]

MERCHANTS AND MECHANICS BANK OF WHEELING.

EXECUTIVE DEPARTMENT,
January 23, 1840.

SIR,

I enclose for the information of the general assembly, a statement of the condition of the Merchants and Mechanics Bank of Wheeling, and its office of discount and deposit at Morgantown, on the 13th inst.

Very respectfully,

Your ob'dt servant,

DAVID CAMPBELL.

The Speaker of the House of Delegates.

MERCHANTS AND MECHANICS BANK,
Wheeling, January 18, 1840.

His Excellency David Campbell, *Governor.*

DEAR SIR,

In compliance with the 12th section of our charter I enclose a statement of the affairs of this bank and its branch at Morgantown.

I am, dear sir,

With great respect,

Your obedient servant,

J. CALDWELL, *President.*

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State of the MERCHANTS AND MECHANICS BANK OF WHEELING, *and of its Office of Discount and Deposite at Morgantown the 13th January* 1840.

Domestic bills discounted,	478,381 72		Capital stock,	500,000 00	
Foreign do. do.	210,207 84		owned by common'th,	12,500 00	
		688,589 56			512,500 00
Bonds for real estate,	6,390 00		Notes in circulation,		186,225 00
Mortgages do.	7,749 49		1's and 2's do.		17,146 00
		14,139 49	Post notes do.		98,940 00
Due by an incorporated company,		26,224 54	Due to other banks,		72,241 63
Bank stock,		20,967 90	Bills payable,		15,000 00
Due by other banks,		82,634 45	Checks on time,		13,182 98
Real estate,		80,499 49	Depositors,		41,048 33
Bank furniture, iron chests, &c.,		1,190 00	Dividends unpaid,	727 00	
Protest account,		356 52	Do. declared this day,	15,375	
Suspense,		524 33	Loss on M. and M. stock,	612	
Post notes of the Bank U. States,	12,000 00			14,763 00	
Notes and checks of other banks,	18,185 52				15,490 00
Gold and silver coin,	77,835 50		Contingent fund,		51,373 36
		108,021 02			
		$1,023,147 30			$1,023,147 30

JANUARY 15th, 1840.

We, the undersigned, directors of the Merchants and Mechanics Bank of Wheeling, do hereby certify that the foregoing statement is just and true.

J. CALDWELL, *President*,
W. T. SELBY,
J. S. SHRIVER,
JOHN RITCHIE,
J. UPDEGRAFF,
SAMUEL NEEL,
MARK DOUGLASS.

Two of the directors are absent.

Ohio County, City of Wheeling:

Before me, David Agnew, a justice of the peace for the county aforesaid, came S. Brady, cashier of the Merchants and Mechanics Bank of Wheeling, who being affirmed according to law did declare and say that the foregoing statement of the affairs of the said bank is true according to the best of his knowledge and belief.

Given under my hand at Wheeling this 15th day of January 1840.

DAVID AGNEW, *J. P.*

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[DOC. No. 45.]

BANK OF VIRGINIA.

BANK OF VIRGINIA, JANUARY 24, 1840.

To the honourable the Speaker of the House of Delegates.

SIR,

In addition to a report which I had the honour to make in pursuance of a resolution of your house adopted on the 6th instant, requiring the banks of this commonwealth to communicate the names of members of your house who on that day were stockholders, the amount of stock held by each, how many and who are indebted to the bank, &c., I now beg leave to submit returns on that subject which have since been received from the branches at Fredericksburg, at Petersburg, at Lynchburg, at Charleston in Kanawha, at Buchanan, and at Portsmouth. To some of which, through misapprehension, are attached information upon another point, required to be reported to the committee of your house on banks.

The returns from the remaining departments I am instructed will have been made to you directly.

I also beg leave to supply an omission in my report first referred to, by stating that William Massie, esqr. of Nelson county appears upon the list of stockholders of this bank as holder of one hundred and twenty-five shares. The omission was occasioned by the want of knowledge as to the identity of that gentleman.

I am, sir,

Your obed't serv't,

A. ROBINSON, JR. *Cashier.*

BRANCH AT FREDERICKSBURG.

"*Resolved*, That the several banks of this commonwealth be requested to communicate to this house a statement shewing the names of the members of this house who on this day are stockholders of the bank, the amount of stock held by each, how many and who are indebted to the bank in their individual capacity or as members of firms, the amount of their liability as principal and as endorser, and whether the amount of their indebtedness or liability as endorser has been at any time increased since the suspension of specie payments by some of the banks in October last.

Agreed to by the house of delegates January 6, 1840.

G. W. MUNFORD, *C. H. D.*"

In obedience to the foregoing resolution, the cashier of the office of discount and deposit of the Bank of Virginia at Fredericksburg has the honour to report the following statement:

NAMES OF MEMBERS.	Stockholders.	Number of Shares.	Payer.	Endorser.	Total Liability.	Increase since Suspension.
Alex'r Fitzhugh, - -	-	-	488 00	-	488 00	
Joseph Hiden, - -	-	-	1400 00	11600 00	13000 00	400 00
Robert E. Scott, - -	-	-	-	2330 24	2330 24	

WM. J. ROBERTS, *Cashier.*

OFFICE BANK OF VIRGINIA,
Fredericksburg, 13th January 1840.

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BRANCH AT PETERSBURG.

A STATEMENT *shewing the liabilities of the Members of the House of Delegates as Payers and as Endorsers, at the Branch Bank of Virginia in Petersburg, on the 6th of January* 1840; *the increase of such liabilities, if any, since the 12th of October* 1839; *and the amount of Stock held by each. Made in obedience to the Resolution of the House on the 6th.*

NAMES.	No. of Shares.	Payers.	Endorsers.	
Butts, Aug. C., - -	-	-	300 00	Accommodation for others.
May, J. F., - -	-	-	*3200 00	Ditto ditto.
Whitworth, Tho., - -	-	†1500 00	‡6245 19	The latter sum for the benefit of others.

* Reduced since the 12th October 100.
† Do. do. do. 2000.
‡ Increased do. do. 1245.

N. B.—N. E. Venable is the drawer of two domestic bills of exchange which were discounted in December and January for others, amounting to $ 3996.

Respectfully submitted.

G. W. STAINBACK, *Cas.*

January 10, 1840.

BRANCH AT LYNCHBURG.

AGGREGATE *indebtedness of the Board of Directors of the Office of Discount and Deposite of the Bank of Virginia at Lynchburg, on the 1st day of October* '39, *and 1st January* '40.

TIME.	Payer.	Endorser.	
1839—October 1, -	*34620 24	*33905 08	* NOTE.—This includes the indebtedness of firms
1840—January 1, -	*28496 80	*27704 25	of which members of the board are partners.

INDEBTEDNESS *of the Members of the Legislature at the Office of Discount and Deposite of the Bank of Virginia at Lynchburg, including those who are Members of Firms.*

NAMES.	Payer.	Endorser.	
1. Wm. M. Burwell & Co.	227 20	Nothing.	
2. Turner & Burwell, -	Nothing,	3750 00	
3. Wyatt Cardwell, -	"	1500 00	
4. Edw'd A. Cabell, -	"	2150 00	
5. Wm. Massie, -	*2000 00	1000 00	* Increased $ 800 since the 1st October '39.
6. Ths. P. Mitchell, -	Nothing,	650 00	

1. Two notes discounted since the 1st October 1839.
2. Increased $ 1750 since 1st October for two real notes (discounted since 1st October) of $ 750 and a draft of $ 1000 payable in Philadelphia.
3. Endorser on two drafts of $ 750 each, payable in Philadelphia, discounted 27th November 1839.
4. All previous to 1st October 1839.
5. Endorser upon a draft payable in Richmond, discounted since 1st October.
6. All previous to 1st October 1839.

C. DABNEY, *Pres't.*

16*th January* 1840.

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BRANCH AT CHARLESTON.

BANK OF VIRGINIA
At Charleston, January 16, 1840.

Doctor J. Brockenbrough.

DEAR SIR,

In reply to the resolutions of the committee on banks I have to state,

1st. That at the time of suspension of specie payments at this office in October last the *aggregate* indebtedness of the board of directors was three thousand three hundred and fifty dollars, ($3,350,) and the *same* on the 1st of January instant.

2nd. The delegate from this county, (Van B. Reynolds, esq.,) is not (as I believe,) a stockholder in the Bank of Virginia, but was indebted at this office at the date above stated, as *drawer* in the sum of four hundred and eighty dollars, and as *endorser* in the sum of four hundred dollars; which liabilities have been neither increased or diminished since the suspension in October last, and that he is not indebted as a member of a *firm* in either capacity.

Please lay the above before the bank committee.

Very respectfully,
Sir, your ob't serv't,

JS. C. M'FARLAND, *Pres't.*

BRANCH AT BUCHANAN.

Statement *of the amounts for which Members of the present House of Delegates of Virginia were liable as Drawers and Endorsers at the Office of the Bank of Virginia at Buchanan, on the 6th day of January* 1840, *called for by Resolution of House of Delegates.*

NAMES.	County.	Drawer.	Endorser.	
Wm. M. Burwell, - - -	Bedford,	-	14500 00	With other persons.
Ditto, as one of the firm of Wm. M. B. & Co., - -	-	5000 00		
A. A. Chapman, - - -	Monroe,	-	3010 25	Since paid.
E. A. Cabell, - - -	Amherst,	-	5000 00	With other persons.
A. Leyburn, - - -	Rockbridge,	-	1460 00	
Ditto, - - -	"	-	2587 00	With other persons.
		$5000 00	26557 25	

Statement *of the aggregate liability of the Board of Directors of the Office of Bank of Virginia at Buchanan, on the first day of January* 1840, *called for by resolution of House of Delegates.*

Total liability as payers, - - -	$41,561 31
Ditto ditto as endorsers, - - -	33,181 00

This embraces the whole liabilities of the directory individually and as members of mercantile firms.

OFFICE BANK OF VIRGINIA,
Buchanan, January 13, 1840.

A. Robinson Jr., Esq.

DEAR SIR,

Above you have the statements requested by resolution of the committee on banks, passed 6th inst. This office did not suspend specie payments; consequently have nothing to report under that head.

Very respectfully yours &c.

J. ANTHONY, *Cas.*

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BRANCH AT PORTSMOUTH.

OFFICE OF THE BANK OF VIRGINIA,
PORTSMOUTH, January 13, 1840.

A. ROBINSON JR. ESQ., *Cashier.*

DEAR SIR,

I have just received the resolutions of the house of delegates of 6th inst. which you enclosed to me. The first resolution does not apply to this branch it not having suspended specie payments.

In reply to the second resolution, neither of the delegates representing the county of Norfolk were on the 1st inst. indebted to this branch in their individual capacity, or as members of firms. The liability of Mr. Watts one of the delegates as endorser and discountee, was on the 1st inst. $2201 49.

Respectfully,

Yours &c.

WM. H. WILSON, *Cash'r.*

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[DOC. No. 46.]

MILITARY LAND WARRANTS.

To the honourable the Speaker of the House of Delegates.

SIR,

In compliance with a resolution adopted by the house of delegates on the 13th instant, "requiring the register of the land office to furnish a statement shewing how many officers and soldiers have received military warrants for services in the revolution besides those included in the statement of the register bearing date 16th December 1834; also how many officers have received their warrants, and what portion was received prior to the end of the year 1784, and what number of them were of the continental line; also the number of generals, colonels, lieutenant colonels, chaplains and surgeons, and the quantity of land paid to each class," I have the honour to present through you to the house the subjoined statement in a tabular form:

		No.
Officers for whose military services warrants have issued since the 15th October 1834 to the 24th January 1840,	- -	125
Privates and seamen for whose services in the revolution warrants have issued within the period abovementioned,	- -	230
The No. of persons for whose military services, land bounty warrants issued up to the 15th October 1834 inclusive. See Doc. No. 8 Journal House of Delegates 1834–35,	-	6136
Whole number of persons for whose military services warrants have issued to the 24th January 1840 inclusive,	- -	6491
Officers for whose services land office military warrants have heretofore issued,	-	1532
N. B. The No. of officers of the continental line included in the above is	1030	
Do. of the state line,	- 234	
Do. of the state navy,	- 268	
	1532	
Officers for whose services warrants issued prior to the close of the year 1784,	-	818
Of the above number belonged to the C. L.	- - - 559	
And to the state line and navy,	- 259	818

A Table showing the number of Generals, Colonels, Lieutenant Colonels, Chaplains and Surgeons who have received warrants and the quantity of land paid to each class.

	No.	No. of Acres.
Generals, - -	14	193,525
Colonels, - -	43	329,436
Lt. Colonels, -	50	358,236
Chaplains, - -	7	47,443
Surgeons, - -	61	401,155
		1,329,795

3,074,098¾ acres the quantity of land received by 818 officers prior to the close of the year 1784.

S. H. PARKER,
Reg. Land Office.

Land Office, 25th January 1840.

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[DOC. No. 47.]

RESOLUTIONS

Of MR. SMITH *of Isle of Wight relative to Banks, intended as a Substitute to the Report of the Committee on Banks.*

1. *Resolved*, That the several banks of this commonwealth which suspended specie payments in October last adopted that measure under the influence of a most unjustifiable panic, and without making any effort to meet their engagements.

2. *Resolved*, That in the opinion of this committee the solvency of the said banks is free from any rational doubt, nor is there any reason to believe that the value of their stock is materially impaired.

3. *Resolved*, That on the immediate resumption of specie payments by the said banks, provision ought to be made by law for relieving them from the penalties and forfeitures heretofore incurred, under such conditions and restrictions as may in future confine their operations within narrower limits.

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RESOLUTIONS

Submitted by MR. SMITH *of Isle of Wight relative to the Banks.*

Resolved, That it is expedient to modify the charters of the banks of this commonwealth which have or may hereafter forfeit them by a suspension of specie payments, in the following particulars to wit:

1. No bank shall issue or put into circulation any bond, note, draft, or other evidence of debt, which is not payable on demand.

2. Whenever the cash liabilities of a bank (including bonds, notes, or other evidences of debt in circulation, and deposites) shall exceed three times the amount of their specie on hand held to pay the demands against it, there shall be a regular and gradual reduction of its liabilities by curtailment or otherwise, until its specie aforesaid shall bear to its said cash liabilities a greater proportion than one third.

3. After the day of no new note or bill shall be discounted by a bank for or loan made to an individual or company who shall have been more than one year preceding continually indebted to it.

4. A report of the amount of the cash liabilities of a bank and of its specie on hand shall be published once in every two months in at least two newspapers, if so many be printed in the county in which the principal bank or that having the greatest amount of capital is located.

5. No dividends shall be made by a bank which has suspended specie payments until seven months after it shall have resumed.

6. Bank notes in circulation on being presented and payment thereof refused, shall be endorsed by some officer of the bank, and thereafter shall carry interest at the rate of 6 per cent. per annum until paid.

7. In the event of a suspension of specie payments by a bank, and a resumption thereof within 30 days, and a *bona fide* continuance of the same for six months thereafter, no forfeiture of its charter shall be incurred.

8. In the event of the suspension of specie payments by any principal bank or any branch bank thereof, that bank or branch only which shall have suspended shall be liable to a forfeiture of its charter; and the principal bank, if it shall have suspended, shall be transferred to that branch having the greatest amount of capital which shall have continued to pay its debts in specie on demand.

9. That no bill of exchange, note, draft or other evidence of debt, shall be discounted by a bank unless the payer be a resident of this state, carrying on business within the limits of the same.

10. That no note, the amount of which is not a multiple of the lowest sum for which a bank may lawfully issue its notes, shall be issued by banks under the sum or denomination of fifty dollars.

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[DOC. No. 49.]

BANK OF VIRGINIA.

BANK OF VIRGINIA, JAN'Y 24, 1840.

N. E. VENABLE, Esq.,
Chairman Committee of House of Delegates on Banks.

SIR,

Since the report which I had the honour to render a few days ago in reply to a resolution of your committee of the 6th inst. requiring information as to the indebtedness of the board of directors of this institution at the time of suspension of specie payments, and also on the 1st instant, I have received from our branches at Petersburg and at Fredericksburg the reports on that subject which are herein enclosed.

Returns have also been received here on that subject from our branches at Lynchburg, Charleston, Buchanan and Portsmouth, but as they have through inadvertency been connected with reports upon another point required to be made to the house of delegates, I have communicated them to that house to-day, and trust that it may be deemed sufficient now to refer you to that report.

With the greatest respect,

I am your obed't serv't,

A. ROBINSON, JR. *Cas.*

BRANCH AT PETERSBURG.

A STATEMENT *shewing the indebtedness of the Board of Directors of Branch Bank of Virginia in Petersburg on the 12th October* 1839, *and on the first day of January* 1840. *Made in obedience to a Resolution of the Committee on Banks.*

The aggregate, as individuals, on the 12th October, -	27,688 20
" as members of firms, - -	67,404 36
	$ 95,092 56
The aggregate, as individuals, on the 1st January 1840,	25,682 69
" as members of firms, - -	52,643 34
	$ 78,326 03

Respectfully submitted.

G. W. STAINBACK, *Cas.*

January 10, 1840.

BRANCH AT FREDERICKSBURG.

"*Resolved*, That the presidents of the banks of this commonwealth which have suspended specie payments be requested to communicate to the committee on banks the aggregate indebtedness of each of the boards of directors of these institutions at the time of such suspension, and likewise the aggregate amount of such indebtedness on the first day of January 1840."

In obedience to the foregoing resolution the cashier of the office of discount and deposite of the Bank of Virginia at Fredericksburg has the honour to report the following statement:

Indebtedness of the board of directors October 12, 1839, -	$ 19,637 39
Do. do. do. January 1, 1840, -	24,372 83

WM. J. ROBERTS, *Cas.*

OFFICE BANK OF VIRGINIA,
Fredericksburg, 13*th January* 1840.

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[DOC. No. 50.]

FARMERS BANK OF VIRGINIA.

EXECUTIVE DEPARTMENT, JANUARY 27, 1840.

SIR,

Enclosed is a general statement of the condition of the Farmers Bank of Virginia and its branches on the first instant, which I transmit for the information of the general assembly.

Very respectfully,

Your obd't serv't,

DAVID CAMPBELL.

The Speaker of the House of Delegates.

FARMERS BANK OF VIRGINIA,
RICHMOND, 25th January 1840.

SIR,

I enclose a general statement of the condition of this institution, including the branches, on the 1st inst., as required by the general bank law to be made during this month. It would have been furnished at an earlier day but for delay under the expectation of receiving more minute details from the branches, which have not come to hand.

I have the honour to be,

With high respect,

Your obd't serv't,

J. G. BLAIR, *Cas.*

To his Excellency DAVID CAMPBELL, *Governor of Virginia.*

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State of the FARMERS BANK OF VIRGINIA, *including the Branches, on the 1st January* 1840.

Debt outstanding,	4,819,561 88	Capital stock,	2,601,800 00
Sterling bills,	34,163 75	Notes in circulation,	2,047,102 50
Stocks,	103,907 50	Deposite money,	873,385 51
Specie,	529,199 29	Due to Bank of United States 18th inst.,	14,954 60
Notes of other banks,	187,825 69	Due to other banks,	176,735 26
Due from other banks,	409,659 76	Contingent fund,	436,206 77
Real estate, (cost,)	*195,760 21	Profit and loss account,	129,893 44
	$ 6,280,078 08		$ 6,280,078 08

The dividend declared in January is 3 per cent. on the capital, and 3 per cent. from old contingent fund.

On 52 shares new stock subscribed there is due $ 2225.

The bad and doubtful debt is estimated at $ 259,918 78.

Dealings in exchange have not been reported from the branches since the general report made thereof up to the 2nd December 1839 to the legislature, and it is supposed that the officers conducting them have inferred that the statements then made were those which it appears on reference to the law were required to be made on the 1st January 1840. It is therefore hoped, as the difference would vary but little in that short interval, that the statements to the 2d December will be deemed sufficient, if not measures will be taken to procure any further information that may be desired.

Of notes in circulation the remarks above respecting dealings in exchange are also applicable, with this addition, that from the 2d December 1839 to 1st January 1840, the whole circulation was reduced $ 85,421, and as no note under $ 10 has been re-issued it is supposed the reduction has been proportionably greater on them than on larger denominations.

* The real estate cost probably $ 20,000 more than its present value.

FARMERS BANK OF VIRGINIA,
RICHMOND, January 1840.

The undersigned, directors of the Farmers Bank of Virginia, certify that the within statements have been examined and are believed to be correct.

A. PLEASANTS,
JAMES BOSHER,
HENRY W. MONCURE,
SAM'L MARX,
SAMUEL REEVE,
JAMES SIZER,
S. M'GRUDER.

STATE OF VIRGINIA,
City of Richmond, to wit:

J. G. Blair, cashier of the Farmers Bank of Virginia, this day personally appeared before me a justice of the peace of the city aforesaid, and made oath that the foregoing statements were made out from the books of the bank, and from the latest returns preceding the date from the branches, and are correct to the best of his knowledge and belief. Given under my hand this 25th day of January 1840.

RICH'D D. SANXAY, *J. P.*

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[DOC. No. 51.]

FIRST ANNUAL REPORT

OF THE

VISITORS OF THE VIRGINIA INSTITUTION

FOR THE EDUCATION OF THE

DEAF AND DUMB AND OF THE BLIND.

OFFICE OF THE LITERARY FUND,
27TH JANUARY 1840.

SIR,

Herewith I transmit the first annual report of the visitors of the Virginia institution for the education of the deaf and dumb and of the blind, which you will please lay before the house of delegates.

I am, very respectfully,

Your obedient servant,

DAVID CAMPBELL,
President Literary Fund.

The honourable the Speaker of the House of Delegates.

RICHMOND, VA., JANUARY 25, 1840.

To the President and Directors of the Literary Fund.

GENTLEMEN,

I have the honour to transmit to you a copy of the first annual report of the visitors of the institution for the education of the deaf and dumb and of the blind. Having been requested to add any thing that I might regard as important, I have pleasure in saying that the report together with the copy of by-laws herewith transmitted will give full information on the whole subject.

With great respect, I am,

Your obedient servant,

WM. S. PLUMER.

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To the honourable the General Assembly of Virginia.

The visitors of the Virginia institution for the education of the deaf and dumb and of the blind, in obedience to the requisitions of the law establishing the institution, beg leave to submit to your honourable body the following

REPORT.

In the month of April 1839, the president and directors of the literary fund appointed the reverend William S. Plumer of Richmond, James M'Dowell esq. of Rockbridge, Robert Gray esq. of Rockingham, and Alexander H. H. Stuart, Nicholas C. Kinney, Francis T. Stribling and James Points esquires of Staunton, visitors of the institution, and instructed them to assemble at Staunton on the 6th day of May 1839, for the purpose of making the necessary arrangements for its organization. In compliance with this instruction the five last named visitors convened at the time and place designated and organized themselves as a board by the appointment of a president, secretary, and treasurer. They proceeded also to take some preliminary steps to enable them at a future day to discharge in a satisfactory manner the duties confided to them. With this view they appointed a committee to prepare a system of by-laws for the government of the institution, and deputed Mr. Nicholas C. Kinney, one of their own body, to visit various institutions of a similar character in the northern states to examine into their system of instruction; to procure information as to the best plans for the buildings; to institute the necessary enquiries to enable the board to make a judicious selection of professors and teachers; and to gain such intelligence generally as would be useful in giving practical effect to the legislative will. As two of the visitors (Doctor Plumer and Mr. M'Dowell) in whose intelligence and judgment the board placed great confidence, and from whom they expected important aid in the organization of the schools, were prevented by other duties from attending the first meeting, it was deemed most proper to postpone any definitive action on other interesting subjects until a full attendance could be obtained; and the board with this view adjourned until the 2d day of July following.

On that day all the members of the board assembled; and reports were received from the committee appointed to prepare a system of by-laws, and also from Mr. Nicholas C. Kinney of the result of his visit to the northern institutions.

A number of the by-laws were then considered and adopted, a copy of which accompanies this report.

Another important subject which occupied the attention of the board was the selection of a site for the buildings of the institution. Several were suggested, and three valuable lots were tendered as donations to the board for the use of the institution. Each one of these locations possessed many recommendations, but on mature consideration of all the circumstances the board concluded by an unanimous vote to accept the lot tendered by Mr. James Bell of Augusta county. His donation embraced a lot of five acres of land situated about a quarter of a mile east of Staunton, on a beautiful eminence crowned by an extensive grove of forest trees. The board, however, subsequently considering that the quantity of land was too limited for the prospective wants of the institution, purchased an addition containing eleven acres and some poles for which they paid forty dollars per acre, a price below the intrinsic value of the land.

After the sites had been selected the visitors proceeded to consider the various propositions which were submitted for the execution of the buildings, and accepted that of Mr. William Donohoo of Albemarle, who proposed to do the brick work at $8 per thousand—the stone work at $2 50 per perch, and the carpenter's work at 40 per cent. less than the prices specified in the Richmond book of prices.

Several plans were suggested and considered, but none of them entirely satisfactory. The subject was referred to the executive committee, and that committee subsequently deemed it most expedient in every point of view, to employ Mr. Long of Baltimore, an architect of distinguished reputation, to visit the site selected and to prepare a complete plan, embracing the most minute details and specifying particularly the manner in which the work should be executed. He has in part discharged this duty, and from the general outline of the plan which has been furnished the board are persuaded that he has been extremely fortunate in blending entire convenience of arrangement with a high degree of architectural beauty. The board are now in daily expectation of receiving the drawings and detailed specifications of the buildings, duplicates of which will be laid before the general assembly. The cost of this plan, including Mr. Long's expenses in visiting Staunton, will not exceed $200 or $250, and the board are satisfied that a much larger sum will be saved in the cost of the buildings by the minute specification furnished by him, independently of the incalculable advantages which will result from having an edifice exactly adapted to its objects and in harmony in all its parts with the rules of architecture.

But little progress has yet been made in the work. The foundation has been excavated, a large number of brick have been made and a quantity of stone quarried, and the work will be commenced and vigorously prosecuted whenever the season is enough advanced to enable the workmen to operate efficiently.

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Appointments were also made of two professors to take effect when the institution should go into operation. Harvey P. Peet, esq., principal of the New York institution for the deaf and dumb, was appointed principal of that department in the Virginia institution; and William Graham, esq., of the Philadelphia institution for the blind was appointed professor of music in the department of the blind.

Some differences of opinion existed amongst the visitors as to the intention of the legislature in relation to the time of opening the schools. Whilst all were satisfied of the propriety of commencing operations immediately, some members doubted the power of the board to open the schools until the buildings intended for the institution should be completed. The board under these circumstances being unwilling to incur the hazard of assuming an authority not delegated to them by the law, referred the decision of this question to the president and directors of the literary fund, communicating at the same time their sense of the propriety of opening the schools immediately, so as to have the officers of the institution assembled and a few pupils collected to constitute model classes upon which the schools might afterwards be formed. Various other considerations which it is unnecessary to mention in detail, concurred to recommend this course, and the president and directors of the literary fund, after consulting the attorney general, instructed the board of visitors that they were at liberty to put the institution into operation as soon as practicable. Upon receiving this information the board proceeded at once to take the necessary steps to open the school on the 15th of November. Harvey P. Peet, esq., having declined the appointment conferred on him by the board at their meeting in July, the office of principal in the department of the deaf and dumb was filled by the election of the Rev. Joseph Tyler of the Hartford institution for the deaf and dumb, who was recommended to the board as a gentleman possessed of fine talents, of an exemplary character, and of great experience in the duties of his department.

Doctor Morrillat of the Philadelphia institution for the blind, who was also strongly recommended to the board, was unanimously elected principal in that department.

Mr. William Graham of the Philadelphia institution, having signified his acceptance of the office of professor of music, the only office remaining to be filled was that of assistant teacher in the department of the deaf and dumb. For this office several gentlemen were recommended, but the board being of opinion that under all the circumstances the public interest would be best subserved by the appointment of Mr. Job Turner, he was unanimously elected.

The visitors cannot forbear to congratulate the legislature upon their good fortune in securing the services of the gentlemen above named, in their respective departments; and the visitors resident in Staunton, who have had an opportunity of becoming personally acquainted with them, take special pleasure in adding their testimony to the abundant evidence which was before the board from other quarters, to the exemplary deportment and high qualifications of the professors.

In the arrangement of the salaries of the professors the board have sought to be as economical as was consistent with the true interests of the institution. Their object has been to procure the services of the most competent persons for a reasonable consideration, avoiding extravagance on the one hand and niggardly parsimony on the other. Acting on these principles they have allowed the following salaries:

To the principal of the deaf and dumb department, - - -	$1200
To the assistant teacher of deaf and dumb, - - -	250
To the principal of the blind department, - - -	600
To the professor of music, - - - -	300

Major George Eskridge of Augusta, a gentleman of unblemished character who has served his country for many years in a civil and military capacity, was appointed steward, and his wife, Mrs. Margaret Eskridge, a lady eminently qualified in every respect for her duties, was selected as matron. Their joint compensation is $500 per annum in addition to the boarding of their family.

Dr. Addison Waddell, a gentleman of talents and of great professional learning and experience, was appointed physician to the institution. The amount of his salary has not yet been ascertained, the board having deemed it most expedient, under the present temporary arrangements, to proportion it to the services rendered. With the view of opening the schools on the 15th of November, the visitors rented a house in the suburbs of Staunton for the use of the institution, and advertised that they would be ready to receive pupils on the 15th of November. It was soon found, however, that it would be impossible in a building so limited in its means of accommodation to preserve that classification and complete separation of the different classes and sexes of the pupils, which is enjoined by the terms of the law, as well as by the plainest dictates of propriety.

This difficulty compelled the board to suspend their invitation to pupils for a short time. They have within a few weeks past rented an additional building and made arrangements for the comfortable accommodation of a considerable number of pupils.

This building is appropriated to the blind and is under the superintendence of Mrs. Coleman, a widow lady, and her sister Miss Bragg, ladies of exemplary piety and virtue, who act in the character of governess, housekeeper, sempstress and assistant teacher of the females. Their joint compensation is $300 in addition to their boarding. Eighteen pupils have already applied for admission, five of whom have arrived and are now receiving instruction at the institution. The others have been detained, it is presumed, by the unexampled inclemency of the weather and the almost impassable condition of the road.

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The same causes have detained a part of the furniture, books and apparatus designed for the use of the institution, and have subjected the professors to great inconvenience. It is hoped, however, that in a few weeks all those difficulties will vanish and the affairs of the institution assume an aspect which will be cheering to the heart of every individual who cherishes a feeling of compassion for the unfortunate objects for whose instruction the institution was founded.

The visitors take much pleasure in acknowledging the many evidences of a kind and friendly regard for the interests of the infant institution, which have been manifested by establishments of a kindred character to the north. The trustees of those institutions have taken occasion to exhibit their interest, not merely by tendering all the information in their power in relation to the organization of the schools, but they have also presented the Virginia institution with books, apparatus and specimens of their manufacture, which have been thankfully received and preserved by the visitors.

Another circumstance has afforded much gratification to the visitors. The Virginia institution has already begun to attract the notice of intelligent and humane persons in some of the states south of Virginia. Many enquiries have been made as to its progress, and a disposition has been expressed by different individuals to patronize it whenever the means of accommodation and facilities for instruction are made equal to those possessed by northern schools. From these indications the board think it more than probable that the institution under their charge will at an early day be extensively patronized by the southern people, as they are determined to use every exertion within the scope of their authority to render it worthy of a generous support.

A full report of the fiscal affairs of the institution has been forwarded to the president and directors of the literary fund, and can be seen by a reference to their files. From that report it will be seen that a large proportion of the annual appropriation has been expended in the outfit of the establishment, such as the purchase of books, maps, musical instruments and apparatus, &c., and of bedding and furniture of every description, as well for the steward's department as for the departments designated for the professors and pupils. These articles are of a permanent character and of course no such expenditure will be incurred in any subsequent year, except so far as may be necessary to supply an increased number of pupils. In making these purchases the board have thought it best to procure articles of a plain and neat style, but of good quality and such as will suit for the new buildings when completed. Much of the furniture has been purchased under the personal superintendence of one of the board resident in Richmond aided by several humane ladies, who kindly offered their services in this work of benevolence. The purchases have been made on good terms and the articles are in every respect satisfactory to all interested.

At a meeting of the board of visitors of the Virginia institution for the education of the deaf and dumb and of the blind at Staunton, January the 23d, 1840:

Alexander H. H. Stuart, esq., president of the board, presented to the board the first annual report, which was read, approved and adopted; and it was therefore

Resolved, That the secretary enclose said report to the Rev. William S. Plumer of Richmond, one of the visitors of this institution, with a request that he add any thing thereto he may deem proper, and lay the same before the president and directors of the Literary fund.

A copy—Teste,

NICH'S C. KINNEY, *Sec'y.*

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[DOC. No. 52.]

REPORT OF THE SECOND AUDITOR

TO THE SENATE,

In relation to the Bonus paid by the Banks of the State, and the amount of the Stock held by the State in those Institutions and the dividends thereon.

SECOND AUDITOR'S OFFICE,
20TH JANUARY 1840.

SIR,

I have the honour to transmit herewith statements containing the information called for by a resolution of the senate of the 9th instant.

Statement A, shews that the amount of bonus which the commonwealth had received up to July 1839 inclusive, from the existing banks of the commonwealth amounted to $1,091,731 75, viz: in bank stocks at par value $908,900, in money $116,306, and from profits on sales of increased capital of the Bank of Virginia $66,525 75 also in money; that the Bank of Virginia and Farmers Bank of Virginia, the recipients of the public monies, have contributed together $941,231 75, or six-sevenths of the whole amount of said bonus, leaving $150,500, which was paid by the other specified institutions of more recent establishment and smaller capital. It will also appear from the same statement that the sum of $1,550,017 10 had accrued from the said bonus at the period mentioned in dividends and interest, of which sum $1,383,341 24 was paid by the Bank of Virginia and Farmers Bank of Virginia.

From statement B, it will appear that on the 1st July last the commonwealth held 42,029 shares of the stock of the existing banks of the commonwealth, of the par value of $4,202,900, and that the dividends which had accrued and been received thereon amounted to the aggregate sum of $2,793,628 01. This being a general statement, comprehends all the stocks owned by the state however derived, and of course includes the bonus stocks and dividends specified in statement A.

Since the preparation of the materials for this report, the several state banks have declared dividends for the last half year, the commonwealth's proportion being $129,037 75, of which $37,244 25 accrues on the bonus shares. It will also give an addition of about 87 shares of bank stock to the permanent funds of the Board of public works derived from the bonus on the new capital actually subscribed under the act of 1837; 20 shares of the Merchants and Mechanics Bank will be also received under their original charter, making the total increase from bonus in this month 107 shares or $10,700. The bank last mentioned is the only one which is not subjected to the conditions of the general bank act of 1837. That bank is paying $2,000 semi-annually for bonus under its charter, which will continue until the first January 1846 inclusive. After which two semi-annual instalments of $750 will complete the amount of $40,000, payable by the bank for its charter.

The new banking capital authorized by the act of 25th March 1837 amounted to $5,000,000, of which one half was subscribed by the commonwealth, and the remainder was open for individual subscription; of the latter amount it appears from the last returns to which I have had access that about 10,474 shares only have been subscribed, which added to the subscription of the commonwealth makes the aggregate of the new stock 35,474 shares. When the balance of the private subscriptions shall have been obtained, the bonus until 1st January 1842 will be paid on $5,000,000, and will produce $25,000 annually. After that period the whole capital new and old now authorized of the existing banks will amount to $11,730,000, of which $11,230,000 will yield semi-annually during the existence of their charter a bonus of ¼ per cent. payable in the stock of the respective banks equal to $28,075 or $56,150 annually.

By the 2nd section of the act of 5th February 1816, creating the Fund for internal improvement, the stocks then held by the state in the Bank of Virginia and Farmers Bank of Virginia, (being all the bank stock held at that time by the commonwealth,) were vested in the said fund, together with such bonus or premiums as should be thereafter received for the incorporation of new banks, or for the augmentation of the capitals or the extension of the charters of the existing banks. This disposition has subsequently been confirmed by law in every instance where a bonus or premium has become payable by a bank. Accordingly the whole of the stocks and monies specified in the statement A, belong to the Fund for internal improvement and are included in statement B, of the accounts of the said fund for the year 1839, transmitted from this office to the legislature at the commencement of the present session.

I am with very high respect,
Sir, your most obedient servant,
J. BROWN, JR., *Second Auditor.*

To the honourable the Speaker of the Senate.

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A.

STATEMENT *exhibiting the amount of Bonus which has been received by the State from the several Banks incorporated by law, and in what manner the said Bonus has been invested or disposed of. Also, shewing the amount of Dividends received upon Bonus Shares of Bank Stock, and of interest upon Bonus received in money, to July 1839 inclusive.*

FROM WHAT BANKS DERIVED.		Bonus and profits on sale of capital stock.	Interest and dividends on bonus.	TOTAL.
1. Bank of Virginia,		557831 75	752907 07	1310638 82
Bonus shares, under act of 20th January 1814,	440,000 00			
Profit on sale of 8000 shares of new stock under same act, converted into 547 shares of stock of Bank of Virginia,	54,700 00			
Profit on sale of 5000 shares new stock, under act of 16th February 1833,	11,825 75			
Bonus in money by 10 instalments, under act of 17th February 1830,	51,306 00			
	$ 557,831 75			
Dividends received on bonus shares,	747,035 15			
Interest on bonus paid in money,	5,771 92			
	$ 752,807 07			
2. Farmers Bank of Virginia,		383400 00	630533 67	1013933 67
Bonus shares, under act of 13th February 1812,	333,400 00			
Bonus in money, one instalment, under act of 6th March 1824,	50,000 00			
	$ 383,400 00			
Dividends received on bonus shares,	585,117 00			
Interest on bonus paid in money,	45,416 67			
	$ 630,533 67			
3. Bank of the Valley in Virginia,		100000 00	133200 00	233200 00
Bonus shares, under act of 5th February 1817,	90,000 00			
Bonus in money, in four instalments, under act of 18th February 1830,	10,000 00			
	$ 100,000 00			
Dividends received on bonus shares,	131,000 00			
Interest on bonus received in money,	2,200 00			
	$ 133,200 00			
4. Northwestern Bank of Virginia,		32100 00	32251 21	64351 21
Bonus shares, act 5th February 1817, $ 23,100, act 25th March 1837, $ 4000,	27,100 00			
Bonus in money, four annual instalments, under act 22d February 1830,	5,000 00			
	$ 32,100 00			
Dividends received on bonus shares,	31,827 00			
Interest on bonus received in money,	424 21			
	$ 32,251 21			
5. Exchange Bank of Virginia,				
Bonus shares, under act of 25th March 1837, $ 5900; dividends on same $ 75 15,		5900 00	75 15	5975 15
6. Merchants and Mechanics Bank of Wheeling,				
Bonus shares, under act of 7th March 1834, $ 12,500; dividends on same $ 1150,		12500 00	1150 00	13650 00
		$1091731 75	1550017 10	2641748 85

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RECAPITULATION.

Bonus stocks at par, 9069 shares of $100,	908,900 00		
Bonus received in money,	116,306 00		
Profits on sale of additional capital of Bank of Virginia,	66,525 75		
		1,091,731 75	
Dividends on bonus stocks, (including 47 shares, part of *profits* abovementioned,)	1,496,904 30		
Interest calculated on bonus received in money,	53,512 80		
		1,550,017 10	
		$2,641,748 85	

Investment of Bonus:

In bank stocks, 9036 shares at par, and 47 shares at $110 per share, total 9083 shares,	968,770 00
In state script, 5 and 6 per cent.,	122,961 75
	$1,091,731 75

Application of Dividends and Interest:

That part of the dividends on the bonus stocks of banks which accrued previously to the passage of the act creating the Fund for internal improvement was appropriated it is supposed to the general purposes of the treasury: those received subsequently were applied to the purposes of that and subsequent acts relating to said fund.

E. E.

J. BROWN, Jr., *Second Auditor.*

Second Auditor's Office, 20th January 1840.

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B.

STATEMENT *shewing "what amount of Stock is owned by the State in the several Banks, and how that Stock has been paid for." "what amount of Dividends has been received by the State upon said Stock, and how the same has been applied," up to July 1839, inclusive.*

IN WHAT BANKS.				In what Name held.			Total number of Shares.	Par value of Shares.	Aggregate amount of Dividends received.
				Commonwealth of Virginia.	Board of Public Works.	Literary Fund.			
				Shares.	Shares.	Shares.			
(a) Bank of Virginia,	(including	4400	bonus sh's,)	3250	8365	2121	(a) 13736	1373600 00	1810191 70
(b) Farmers Bank of Virginia,	"	3334	"	5050	3442	1054	(b) 9646	954600 00	726503 75
(c) Bank of the Valley in Virginia,	"	900	"	3700	1000	92	(c) 4792	479200 00	143606 50
(d) Northwestern Bank of Virginia,	"	271	"	4000	271	500	(d) 4771	477100 00	55911 60
(e) Exchange Bank of Virginia,	"	59	"	9000	59	-	(e) 9059	905900 00	26264 46
(f) Merchants and Mechanics Bank of Wheeling,	"	125	"	-	125	-	(f) 125	12500 00	1150 00
Total, - - -		9089	"	25000	13262	3767	42029	$ 4202900 00	2793626 01 (g)

NOTES.

(a) Bank of Virginia:

Subscribed by the commonwealth per act of 30th January 1804, payable in ten annual instalments, to meet which the tax on merchants licenses and the dividends on the stock itself were pledged—the dividends during the time amounted to $ 270,000,	300,000 00		
Bonus and profit on sale of new stock of the bank under act of 20th January 1814,	494,700 00		
Purchased—out of the disposable funds of the board of public works, - -	41,800 00		
out of the permanent capital of the literary fund, - -	205,600 00		
out of the undrawn school quotas in the treasury (temporary investment),	6,500 00		
Subscribed and paid for out of the United States surplus revenue on deposit in the treasury,	325,000 00		
		13736 shares,	1,373,600 00

(b) Farmers Bank of Virginia:

Bonus under act of 13th February 1812, - - - -	333,400 00		
Purchased—out of permanent funds of board of public works, - -	4,700 00		
out of the disposable funds of do. - - -	6,100 00		
out of the permanent capital of the literary fund, - -	105,400 00		
Subscribed and paid for out of the United States surplus revenue on deposit, -	505,000 00		
		9646 shares,	964,600 00

(c) Bank of the Valley:

Bonus under act of 5th February 1817 $ 90,000, purchased out of disposable funds of board of public works $ 10,000, - - - -	100,000 00		
Purchased out of permanent capital of the literary fund $ 9,200, paid for out of United States surplus revenue $ 370,000, - - - -	379,200 00		
		4792 shares,	479,200 00

(d) Northwestern Bank:

Bonus under act of 5th February 1817 $ 23,100, Do. 25th March 1837 $ 4,000,	27,100 00		
Paid for out of United States surplus revenue on deposit, - - -	282,809 33		
Paid for in dividends on the stock itself $ 24,908 67, state 6 per cent. scrip $ 92,282,	117,190 67		
Paid for out of the permanent capital of the literary fund, - -	50,000 00		
		4771 shares,	477,100 00

(e) Exchange Bank of Virginia:

Bonus under act of 25th March 1837, - - - -	5,900 00		
Paid for out of United States surplus revenue on deposit, - - -	450,000 00		
Paid for in state 6 per cent. scrip, - - - -	295,000 00		
Due on the subscription of $ 900,000 by the commonwealth, - -	155,000 00		
		9059 shares,	905,900 00

(f) Merchants and Mechanics Bank of Wheeling:

Bonus under act of 7th March 1834, - - - -		125 shares,	12,500 00
		42,029 shares,	$ 4,202,900 00

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(*f*) The dividends received upon the foregoing stocks have been applied as follows, viz:

To the credit of the public treasury.	By the Bank of Virginia,	379,904 50	
	Farmers Bank,	57,501 25	
	Northwestern Bank,	9,232 00	
	Exchange Bank,	26,189 31	
			472,827 06
To the credit of the fund for internal improvement.	By the Bank of Virginia,	1,190,198 25	
	Farmers Bank,	534,835 25	
	Bank of the Valley,	139,800 00	
	Northwestern Bank,	39,520 93	
	Exchange Bank,	75 15	
	Merchants and Mechanics Bank,	1,150 00	
			1,896,579 58
To the credit of the literary fund.	By the Bank of Virginia,	240,088 95	
	Farmers Bank,	134,167 25	
	Bank of the Valley,	3,806 50	
	Northwestern Bank,	19,250 00	
			397,312 70
In part payment of the state subscription to the new stock of the Northwestern Bank,			24,908 67
			$2,793,628 01

Note.—The subscription of the commonwealth to the Exchange Bank of Virginia is put at the full amount authorized by law, viz. $900,000. It will be seen however from note (*e*) that $155,000 of this amount yet remain to be paid by the state. By the last returns of the bank it was entitled to demand and did demand payment of the further sum of $103,800 of this balance.—*Document House of Delegates* No. 12.

E. E.

J. BROWN Jr. *Second Auditor.*

Second Auditor's Office, 20th January 1840.

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[Doc. No. 52.]

SECOND AUDITOR'S REPORT

ON THE

PUBLIC DEBT AND RESOURCES OF THE COMMONWEALTH.

SECOND AUDITOR'S OFFICE,
5TH FEBRUARY 1840.

SIR,

In compliance with a resolution of the house of delegates of the 28th ult. I have the honour to transmit the enclosed statements respecting the debt and resources of the commonwealth.

With great respect,

Your obed't serv't,

J. BROWN, JR.
Second Auditor.

The honourable the Speaker of the House of Delegates.

SECOND AUDITOR'S OFFICE,
5TH FEBRUARY 1840.

SIR,

In obedience to a resolution of the house of delegates of the 28th ultimo, I have prepared and now transmit two statements, the one exhibiting the amount and character of the debt, and the other the amount of the bank stocks and other resources of the commonwealth.

Statement A. presents the several points of information required in relation to the public debt. Under the 1st head the aggregate amount of the debt is shewn to be $6,592,377 27; by the 5th, that part of the stocks issued by the commonwealth on account of said debt, to the amount of $1,239,002 91, has been purchased and is held for state purposes by the public corporations therein specified, and that consequently the outstanding or floating debt of the commonwealth is reduced in fact to $5,353,374 36, which amount is beyond its control, except with the consent of the holders, until the arrival of the respective periods of redemption stated under head No. 4.

The additional amount of certificates which it may be necessary to issue to complete engagements which have been partly complied with is shewn under head No. 2 to amount to $551,727 90.

Under head No. 3 will be found the guarantees which were authorized by acts of the last session of the legislature to ensure the payment of the principal and interest of loans proposed to be obtained by certain joint stock companies amounting to $1,750,000, and the extent to which the state has become actually bound under those acts.

Under head No. 6 is given the amount of the liabilities of the state which its functionaries have not been yet required under the provisions of the respective acts to assume. It is not perhaps a precisely accurate exhibit, but it is believed to be nearly so. Though not called for, it is presented with a view of rendering the information respecting the amount of the actual and probable future debt of the commonwealth under existing laws more complete.

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The bank stocks and other funds held by the commonwealth at this date are designated and classed in statement B. Those which are specified in the first class may be considered available or nearly so to their full nominal amount, (say $6,281,968 74.) The 2d class, amounting to $997,554 70, consists of stocks in internal improvement companies, from which dividends are commonly received. These two descriptions of funds make together $7,279,523 44, and constitute what may be termed the present available funds. In the 3rd class are comprehended stocks, amounting to $3,498,198 61, held by the state in improvements now constructing. Some of the principal undertakings particularized in this class are intimately connected with the prosperity of the commonwealth, and cannot fail it is believed to become more or less profitable when they shall be completed and in full operation. The 4th class contains a list of the joint stock improvements in which the state is interested, to the amount of $1,203,998 58, which have been completed, and from which no dividends have been heretofore received. It can scarcely be doubted that some of the most costly of these improvements too will when relieved from the embarrassments in which they are involved, proceeding principally from a too limited capital, be in a condition to yield satisfactory dividends. I consider it my duty however to say, that from a large portion of the stocks of this class no such expectation can reasonably be entertained. The representatives in the legislature from the sections of the state in which the several improvements lie are able to form a much more correct estimate than myself of their present condition and future value.

Taking it for granted that the object of the resolution of the house of delegates was to procure an exhibit of the aggregate debt of the commonwealth on the one hand, and on the other a similar exhibit of its available funds or assets of every description, shewing the ability of the state to extinguish that debt, the following view is presented:

The existing debt of the commonwealth as before stated is shewn in statement A. to amount to $6,592,377 27 cents. The 1st class of stocks and other funds in statement B. considered available, and estimated at their full par value amounts to $6,281,968 74, being within $310,408 53 of the amount necessary to extinguish the debt. Including however the 2d, 3rd and 4th classes of funds contained in that statement as more or less available, the aggregate of resources amounts to $11,981,720 63, thus shewing a nominal excess beyond the debt of $5,389,343 36. It may be presumed that a large portion of the stocks composing this surplus will be available to a considerable extent at future periods.

Another view of the subject may be presented. Under the 5th head of statement A. it is shewn that omitting that portion of the state debt held by the public corporations for the use of the commonwealth, there remained outstanding, or in the hands of private corporations and individuals the sum of $5,353,374 36 *only*. Against this amount the state holds $4,058,400 in the single item of bank stocks, (1st class of statement B.) To meet the difference of $1,294,974 36 between the two, there remains a balance of funds amounting nominally to $6,684,317 72.

It is proper to observe that I have omitted as part of the funds, the investment in those works which have been prosecuted solely on state account, or jointly by the state and certain counties, the amount of which is about $380,000. Should these improvements ever become a source of revenue to the state, they may fairly be taken into future estimates as available in proportion to their productiveness.

I have also excluded from the estimate loans to the amount of $180,000 made to the University of Virginia from the Literary fund. From the nature of the security pledged to redeem this loan it cannot be embraced in the views above presented, the security for the loans being the annuity of the University out of the revenue of the Literary fund derived from the available stocks and funds embraced in class No. 1 of statement B.

Towards the payment of the bank stocks owned by the commonwealth $1,932,809 33 was applied out of the surplus revenue of $2,198,427 99 received into the treasury in the fiscal year ending the 30th September 1837, as was also the sum of $98,065 83 lent to the Richmond and Petersburg rail-road company.

As it regards the liabilities of the commonwealth tending to increase her debt by subscriptions to or investments in joint stock companies, it is evident that an amount of funds corresponding with such increase is simultaneously provided. Whether those funds will be available or otherwise will I presume depend principally on the character of the improvements.

Very respectfully,

Your obd't serv't,

J. BROWN, Jr.
Second Auditor.

The honourable the Speaker of the House of Delegates.

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(A.)

PUBLIC DEBT.

STATEMENTS CONCERNING THE DEBT OF THE COMMONWEALTH,

28th January 1840.

1. CERTIFICATES ISSUED.

Revolutionary debt $24,039 17—War debt of 1814 $319,000, - - -		343,039 17
Debt created for payment of stock subscribed by the commonwealth to state banks, -		387,282 00
Internal improvement debt:		
Subscriptions to joint stock companies, - -	3,595,806 10	
Loans to do. - -	550,000 00	
Appropriations to works undertaken solely or in part on state account (including improvements of the late James river company $1,324,500, now transferred to the James river and Kanawha company,) - - - -	1,706,750 00	
		5,852,556 10
State library debt, - - - -		9,500 00
Total amount of certificates issued, -		$6,592,377 27

2. CERTIFICATES REMAINING TO BE ISSUED.
(*To complete existing engagements.*)

To complete subscriptions made by the board of public works to joint stock companies, -	135,493 90
To complete loan authorized to Richmond and Petersburg rail-road company, -	100,000 00
To complete roads undertaken wholly by the state or jointly with certain counties, -	161,234 00
To complete the payment of the subscription authorized on behalf of the state to the capital stock of the Exchange Bank of Virginia, - - -	155,000 00
Amount of certificates to be issued, - - -	$551,727 90

3. DEBTS GUARANTEED BY THE STATE.

James river and Kanawha company, - - - -	1,500,000 00
(By an act passed 23d March 1839, the company was authorized to issue certificates for $1,500,000 at a rate of interest not exceeding six per cent., and the treasurer was directed "to pledge the faith of the state for the punctual payment of the interest and the ultimate redemption of the principal." Certificates for $265,000 of this loan with the state guarantee have been issued to this time, and the remainder will be issued as the purposes of the company may require.)	
Richmond, Fredericksburg and Potomac rail-road company, - - -	250,000 00
(An act passed 6th April 1839, authorized a similar guarantee of the state to that contained in the act abovementioned upon a loan of $250,000. The conditions of this act have not yet been accepted by the company, and of course *the guarantee* is not yet given.)	
Amount authorized to be guaranteed, - - -	$1,750,000 00

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4. PERIODS OF REDEMPTION OF THE EXISTING DEBT.

In 1840	-	-	50,000 00	Brought up,	-	-	1,537,000 00
1841	-	-	20,300 00	In 1852	-	-	130,000 00
1842	-	-	83,000 00	1853	-	-	27,000 00
1843	-	-	211,300 00	1854	-	-	186,500 00
1844	-	-	365,400 00	1855	-	-	305,000 00
1845	-	-	300,000 00	1856	-	-	116,300 00
1846	-	-	200,000 00	1857	-	-	1,136,300 00
1849	-	-	5,000 00	1858	-	-	1,826,050 00
1850	-	-	264,000 00	1859	-	-	873,688 10
1851	-	-	38,000 00	1860	-	-	66,000 00
Carried up,			1,537,000 00				*6,203,838 10

Obtained for the Northwestern turnpike road under an act passed 26th January 1839, and redeemable at pleasure of the board of public works,	36,000 00	
War debts held by the literary fund—redeemable at pleasure of general assembly, - - - -	343,039 17	
Library fund debt—to be extinguished from time to time out of the sales of books belonging to that fund, - - -	9,500 00	
		388,539 17
		$6,592,377 27

5. WHERE THE DEBT IS HELD.

In Europe, viz:

In England $1,953,660 21. France $30,000. Germany $20,100. Switzerland $10,000, - - - - - -	2,013,760 21

In the United States other than Virginia, viz:

Pennsylvania $592,900, (of which $560,400 is held by the U. S. Bank,) Maryland $283,200, New York $25,000, District of Columbia $53,400, North Carolina $11,500, Rhode Island $2,000, - - - -	968,000 00

In Virginia, viz:

Held by Bank of Virginia $145,000, Farmers Bank $39,000, Exchange Bank $279,000, Northwestern Bank $88,582, -	551,582 00	
Ditto by individuals and private corporations,	1,820,032 15	
		2,371,614 15
Actual outstanding or floating debt, -		5,353,374 36

Purchased and held by state institutions, viz:

Literary fund, - - - -	966,056 50	
Fund for internal improvement, - - -	212,366 41	
Commissioners of the sinking fund, - -	58,506 00	
The treasurer for the Cincinnati society, - -	2,074 00	
Amount held by state funds, - -		1,239,002 91
		$6,592,377 27

6. LIABILITIES OF THE COMMONWEALTH.

(*Being for subscriptions to internal improvement companies authorized but not yet applied for or made.*)

Staunton and Charlottesville rail-road, - - - -	320,000 00
Baltimore and Ohio rail-road, - - - - -	1,360,520 00
Falmouth and Alexandria rail-road, - - - -	600,000 00
Lynchburg and Tennessee rail-road, - - - -	200,000 00
Other minor improvements, - - - - -	329,800 00
	$2,810,320 00

* These loans, with the exception of $6,400, are irredeemable for 20 years from the time of their issue. Liberty is reserved to the general assembly to postpone the redemption of the earlier loans for a further period not exceeding 15 years. The later loans may be redeemed after the expiration of 20 years *at the pleasure of the general assembly.* The above statement shews the years in which the right of redemption accrues on the respective sums. The redemption of the $6,400 above excepted, and which is included in the year 1859, is obligatory on the state in that year, the amount being obtained for *a limited period* under an act passed 21st March 1839.

E. E. J. BROWN, JR., *Second Auditor.*

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(B.)

RESOURCES OF THE COMMONWEALTH.

STATEMENT OF THE BANK STOCKS

And other available or unavailable Stocks and Funds of every description held by or for the Commonwealth, 28th January 1840.

THESE STOCKS AND FUNDS ARE HELD IN THE FOLLOWING MANNER, VIZ:

By the commonwealth proper, - -	2,445,139	83
Literary fund, - -	1,459,256	50
Fund for Internal improvement, -	8,018,818	30
Commissioners of the Sinking fund, -	58,506	00
	$11,981,720	63

AND ARE OF THE FOLLOWING DESCRIPTIONS, VIZ:

1. *Bank, state and other stocks*, upon which dividends and interest are regularly received, and loans satisfactorily secured by mortgage for the payment of interest and principal:
   Bank stocks (not including 1550 shares in the Exchange Bank not yet paid for) $4,058,400, certificates of state debt held by state institutions $1,239,002 91, stock in the old James river company, 467 shares paying forever six per cent. on $233,500; certificates of debt of the Petersburg rail-road company $16,000, loans to rail-road companies $550,000, loan to directors of Ohio river and Maryland road $12,000, loan to Richmond dock company $50,000, stock of the corporation of Richmond $21,000, loan to Washington college, secured by an assignment of dividends due the college on old James river company stock, $4000; loan to Richmond and Petersburg rail-road company out of United States surplus revenue $98,065 83, - - 6,281,968 74
2. *Stocks held by the Board of public works* in joint stock companies for internal improvements, upon which dividends have been received with more or less regularity, and which may therefore be considered as available to an amount proportionate to said dividends, viz:
   In Louisa rail-road company $179,925, Petersburg rail-road company $160,000, Richmond, Fredericksburg and Potomac rail-road company $275,200, Upper Appomattox company $36,350, Roanoke navigation company $80,000, Rivanna navigation company $33,271 69, Lynchburg and Salem turnpike company $30,000, Staunton and James river turnpike company $20,000, Shepherdstown and Smithfield turnpike company $18,575, Swift run gap turnpike company (old subscription) $4100, Warm springs and Harrisonburg turnpike company $11,760, Fincastle and Blue Ridge turnpike company $2752, Jackson's river turnpike company $8000, White and Salt Sulphur springs turnpike company $4000, Little river turnpike company $12,550, Ashby's gap turnpike company $14,000, Wellsburg and Washington turnpike company $7071 01. (Dividends in 1838 $30,191 74—in 1839 $33,497 41,) - - 997,554 70

Present available funds, - - $7,279,523 44

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Brought over, - - -		7,279,523 44
3. *Stocks held by the Board of public works* in joint stock companies whose works are in the process of construction, viz:		
In Chesapeake and Ohio canal company $281,111 11, James river and Kanawha company $3,000,000, Rappahannock company $45,150, Dragon Swamp navigation company $1000, Valley turnpike company $156,000, Red and Blue Sulphur springs turnpike company $3000, Pittsylvania, Franklin and Botetourt turnpike company $2937 50, Natural bridge turnpike company $5000, Holliday's Cove turnpike company $4000, - - - -	3,498,198 61	
4. *Stocks held by the Board of public works* in joint stock companies whose works have been completed, and which have heretofore been unproductive, viz:		
City Point rail-road company $60,000, Portsmouth and Roanoke rail-road company $256,650, Richmond and Petersburg rail-road company $200,000, Winchester and Potomac rail-road company $120,000, Lower Appomattox company $16,000, Dismal Swamp canal company $190,000, Richmond dock company $62,500, Monongalia navigation company $8180, Augusta springs turnpike company $2000, Berryville turnpike company $6300, Charleston and Point Pleasant turnpike company $20,800, Fairfax turnpike company $5400, Fallsbridge turnpike company $32,000, Fauquier and Alexandria turnpike company $30,000, Huntersville and Warm springs turnpike company $5800, Leesburg turnpike company $33,600, Leesburg and Snicker's gap turnpike company $15,000, Lewisburg and Blue Sulphur springs turnpike company $3950, Lexington and Covington turnpike company $13,893 58, Middle turnpike company $23,900, Millboro' and Carr's creek turnpike company $1978, Pittsylvania and Lynchburg turnpike company $6947, Swift Run gap turnpike company (2d subscription) $46,000, Snicker's gap turnpike company $20,000, Smithfield, Charleston and Harper's Ferry turnpike company $14,000, Tye river and Blue Ridge turnpike company $2400, Cartersville bridge company $6700, -	1,203,998 58	
		4,702,197 19
Aggregate amount of funds, - -		$11,981,720 63

E. E.

J. BROWN, Jr.
Second Auditor.

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[DOC. No. 53.]

REPORT

Of the President and Directors of the Branch Bank at Danville.

Aggregate indebtedness of the board of directors of the office of discount and deposite of the Bank of Virginia at Danville on the 19th day of October 1839, - - - -	$27,330 00
Aggregate indebtedness of the same on the 1st January 1840, - -	27,330 00
William M. Burwell esq., a member of the legislature from the county of Bedford, was indebted to this office on the 19th day of October 1839 in the sum of -	1,270 39
This debt has since been diminished - - - -	270 39

BANKING HOUSE AT DANVILLE,
JANUARY 22d, 1840.

The honourable Chairman of the Committee of Banks.

SIR,

In obedience to two resolutions adopted by your committee on the 6th day of January 1840, calling on me as president of this office for certain information demanded by them in relation to the indebtedness of the seven directors of this bank, and of the members of the house of delegates of Virginia, I send the above report,

And I have the honour to be,

Your obedient servant,

GEORGE TOWNES, *President*
Bank of Virginia at Danville.

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[DOC. No. 54.]

RESOLUTIONS OF NEW JERSEY.

To the House of Delegates.

I lay before the general assembly a communication from the governor of New Jersey enclosing a preamble and resolutions passed by the legislature of that state on the subject of the exclusion from their seats in the house of representatives of the United States of five of the persons duly commissioned as the representatives of the people of New Jersey in the twenty-sixth congress.

These resolutions relate to a subject involving one of the most vital rights of the states of this union, and will doubtless receive from the general assembly the consideration which their importance demands.

Should the practice obtain in the congress of the United States, of which this case is believed to be the first example, of one portion of the members returned according to the laws of their states undertaking to exclude other portions of members having similar and legal authentications of their membership from a participation in the organization of the house and the election of its officers, and from holding their seats until an adversary claim to them shall have been regularly adjudicated, it is obvious to perceive that such a course has no limit or principle but force, and must ultimately result in revolutionary violence.

I also transmit a resolution of the legislature of Vermont on the subject of the public lands.

DAVID CAMPBELL.

Executive Department, Richmond, Feb. 3, 1840.

STATE OF NEW JERSEY.

EXECUTIVE DEPARTMENT,
TRENTON, January 24, 1840.

SIR,

I have the honour to enclose a copy of a preamble and resolutions passed by the legislature of the state of New Jersey at their present session, and to request that you will lay the same before the legislature of the state over which you preside.

With high consideration,

Your obedient servant,

WM. PENNINGTON,
Governor of New Jersey.

To his Excellency the Governor of Virginia.

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STATE OF NEW JERSEY.

JOINT RESOLUTIONS.

WHEREAS it appears, from a report made by John B. Aycrigg, John P. B. Maxwell, William Halsted, Charles C. Stratton and Thomas Jones Yorke, five of the persons duly commissioned as representatives of the people of New Jersey in the twenty-sixth congress of the United States, to the governor of this state, and by him communicated to the legislature, that at the time and place prescribed by law for the meeting of that congress, they appeared and produced their commissions as such representatives, and claimed the right to unite with the representatives from the other states of the Union in forming and organizing a house of representatives, but by the acts of a portion of those representatives were prevented from exercising that right, and are still excluded from any participation in their proceedings and deliberations; by which acts the people of New Jersey are deprived of their just voice in the councils of the nation at a time when measures of great public importance and deeply affecting their feelings and interests are to be acted upon; their state authorities and their seal are treated with indignity; and a precedent is sought to be established, which if not promptly and successfully resisted, may hereafter be used to justify the rejection of electoral votes or the exclusion of any number of duly commissioned representatives that a designing and unprincipled faction may deem necessary to secure to itself the control of the national legislature. And whereas, in this unprecedented emergency it becomes the solemn duty of New Jersey firmly to oppose this attempt to subvert the fundamental principle of a free representative government, and to call upon her sister states to disavow and redress the wrong which has been perpetrated by a portion of their representatives—therefore,

Be it resolved by the Council and General Assembly of New Jersey, That the state of New Jersey became a party to the Union upon the express condition embodied in the constitution, that in common with her sister states she should be at all times entitled to a number of members of the house of representatives proportioned to her population, and that by the laws passed in pursuance of that constitution she is now entitled to *six* representatives.

And be it resolved by the authority aforesaid, That until congress shall by law make some regulation of the subject, the legislature of each state has by the constitution full and exclusive power to prescribe "the times, places, and manner of holding elections for representatives," which necessarily includes the power to prescribe the manner in which the result of those elections shall be ascertained and certified.

And be it resolved by the authority aforesaid, That as the legislature of New Jersey has prescribed a commission granted by the governor under the great seal of the state, as the only mode in which the election of her representatives shall be officially certified, such a commission issued in due form of law confers upon each person to whom it is granted a full and perfect right to claim and exercise all the powers and duties of a representative of the state, until a regularly constituted and organized house of representatives, after due examination, shall have solemnly adjudged that he is not elected or not qualified; and that any other mode of certifying such election is utterly invalid and unknown to the laws of New Jersey.

And be it resolved by the authority aforesaid, That a house of representatives cannot be constitutionally and lawfully organized and invested with any authority, judicial or legislative, while a single representative from any state, duly returned and commissioned according to the laws of that state, is excluded from his seat or denied the exercise of the rights and privileges of a representative.

And be it resolved by the authority aforesaid, That the late acts of a portion of the representatives from the several states, by which five of the persons who were duly commissioned under the great seal of the state of New Jersey, as her representatives in the twenty-sixth congress of the United States, were prevented from exercising their rights and discharging their duties as such representatives, were a palpable violation of the constitution and of the parliamentary law established by reason and unvarying usage, a precedent of most alarming and dangerous character, and a gross outrage upon the rights and feelings of the people of New Jersey.

Therefore be it resolved by the authority aforesaid, That in the name and behalf of the people of the state of New Jersey, we do hereby solemnly PROTEST against the acts aforesaid as unconstitutional, unwarranted and unjust, and against any assumption by the remaining representatives from the several states of the right or authority to exercise any of the powers conferred upon a constitutional house of representatives, and more especially against the attempt to enact any law for regulating the collection or disbursement of the public revenue; for disposing of the public lands, or the proceeds thereof; for pledging the public faith or credit; for imposing any tax or duty, or for the apportionment of representatives until the people of New Jersey and their duly commissioned representatives shall have been restored to the rights of which they have been wrongfully deprived.

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And be it resolved by the authority aforesaid, That a copy of the foregoing preamble and resolutions, certified under the great seal of the state, which since seventeen hundred and seventy-six has been and still is the constitutional and cherished emblem of the sovereignty of New Jersey, be transmitted to the Hon. R. M. T. Hunter a representative from Virginia, with a request that he will lay the same before the other representatives from the several states now assembled at Washington.

And be it resolved by the authority aforesaid, That a copy thereof be transmitted to the governor of each of the several states of the Union, with a request that he will cause the same to be laid before the legislature thereof, and also to each of the senators and of the six representatives of this state.

HOUSE OF ASSEMBLY, JANUARY 21, 1840.

These joint resolutions having been three times read and compared in the house of assembly,
Resolved, That the same do pass.

By order of the house of assembly.

WILLIAM STITES, *Speaker.*

IN COUNCIL, JANUARY 23, 1840.

These joint resolutions having been three times read in the council,
Resolved, That the same do pass.

By order of council.

JOSEPH PORTER, *Vice President of Council.*

STATE OF NEW JERSEY:

I, JAMES D. WESTCOTT, secretary of state of New Jersey, do hereby certify that the foregoing is a true copy of certain joint resolutions passed by the legislative council and general assembly of said state on the twenty-third day of January A. D. one thousand eight hundred and forty, as taken from and compared with the original now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my seal of office, [*Seal.*] at the city of Trenton, this twenty-fourth day of January A. D. one thousand eight hundred and forty.

JAMES D. WESTCOTT.

RESOLUTIONS OF VERMONT ON THE SUBJECT OF THE PUBLIC LANDS.

Resolved by the senate and house of representatives, That our senators in congress be instructed, and our representatives requested, to use their influence to procure the passage of a law which shall provide for a just distribution among the several states of the proceeds of the public lands, agreeably to the terms of the deeds of cession, which provide that the lands so ceded "shall be considered as a common fund, for the use and benefit of all the United States, members of the federal alliance," "and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever"—and to oppose any measure calculated to promote the eventual surrender of these lands to the states in which they are situated, which would be entirely repugnant to the condition of these grants, and contrary to that principle of equal and exact justice which should characterize all the dealings of the general government with the several states of the Union.

Resolved by the senate and house of representatives, That the governor be requested to transmit copies of the foregoing resolution to each of our senators and representatives in congress, and to each of the governors of the states, with a request that they present it to the legislatures of their respective states.

STATE OF VERMONT.

SECRETARY'S OFFICE,
MONTPELIER, Nov. 20, 1839.

I certify the foregoing to be a true copy of resolutions passed by the legislature of said state at their session in October A. D. 1839.

C. L. KNAPP,
Secretary of State.

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[DOC. No. 55.]

MR. ROBERTSON

FROM THE SELECT COMMITTEE ON THE SUBJECT OF

THE PUBLIC LANDS,

MADE THE FOLLOWING

REPORT:

The committee, to which was referred so much of the governor's message as relates to the subject of the public lands, have had the same under consideration and beg leave to submit the following

REPORT:

The question of the disposition proper to be made of the vast public domain held by the United States is undoubtedly one of the most momentous ever presented to the consideration of the country. It has for some years past attracted a large share of attention, and as the magnitude of the subject comes to be better understood, and the extent to which the interests of every part of the country are involved in it comes to be more justly appreciated, that attention will be fully awakened, and will be directed to the action which the general government may contemplate taking in regard to it with increasing anxiety. It is eminently proper that the state governments, charged as they more immediately are with the care of the internal rights and interests of their own citizens, and best acquainted with their wants, should vigilantly watch over what so greatly concerns them; should exhibit to them in their true colours all measures that may be projected in violation of those rights, or to the prejudice of those interests, and should declare, for the government of those whose province it is finally to determine, what course they deem the most just and expedient to be pursued. Most of the states in regard to the pending question have done this. Virginia, who of all the states contributed to the common cause the amplest share of this domain—who has shared as scantily as any in the benefits, and as largely in the evils that have flowed from it, owes it, in a more especial manner, to the magnitude of the subject, to the welfare of her citizens, and to the vindication of her just rights, to speak her sentiments also.

According to the most authentic data within reach of your committee, the whole quantity of public lands within the territory of the United States amounts to 1,085,536,232 acres—the Indian title to 319,536,232 acres of which has been extinguished—and to 766,000,000 remains unextinguished. Of the 319,536,232 acres, 12,690,334 acres have been granted away to different states, and 77,134,821 have been sold, leaving at this time nearly one thousand millions of acres of land still remaining to be disposed of.

Of the value of this immense territory no sufficient data exist for an accurate or even an approximate estimate. It may be materially enhanced or diminished according as the property is wisely or injudiciously disposed of. If forever occluded from settlement these lands would be forever worth nothing—if brought at once into market, nothing comparatively with what they might realize under provident management. But it is obvious that however disposed of between these extremes, unless in absolute disregard of their intrinsic value as determined by their productiveness, as well as of all reference to the principles of demand and supply, they must of necessity produce a very large sum annually for an indefinite period of time. In the fact exhibited by our past experience that the forty-four and a half millions of acres disposed of up to September 1835, under honest and wise counsels, realized a sum exceeding sixty-seven millions of dollars, we have conclusive proof of the truth of the proposition stated. From the invariable effect upon surrounding lands of an increasing population and extending markets—from the tide of emigration constantly setting in from the dearer lands of the older states, and even from Europe to the cheaper lands of this virgin region, your committee probably hazard little in assuming the average annual receipt from this source of the ten years next preceding September 1835, as affording certainly not too favourable a criterion by which to estimate the average annual receipts of future years. That period is adopted as the latest covered by any statements within their reach. This would give a product of near three and a half millions of dollars a year—an estimate which coinciding with that of the secretary of the treasury for the current year, none can consider extravagant, while its being hardly more

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than one half of the receipts from that source for 1839, may be justly deemed far too unfavourable. And the question which the owners of this vast source of revenue—the states of the union—have to decide, is, whether they will renounce it altogether, or, if not, what disposition of its proceeds they deem to be demanded by their own and the general interests.

The title of the United States to the public lands was derived—1st, to that portion of them formerly included within the chartered limits of certain of the old thirteen states by cessions from those states; and 2dly, to the residue by purchase from France and Spain.

1st. As to lands ceded by states.

Your committee do not consider themselves called on to discuss at length the titles of the several states to the lands ceded by them to the United States. They rest more immediately on the charters which defined their limits, when, in the beginning of the war of the revolution, they declared their independence of the crown of Great Britain, and which not the less determined those limits when, at the end of the war, that independence had been achieved: and, more remotely, on the great ultimate ground of discovery—the admitted foundation of title in respect to acquisitions on the American continent among all the nations of Europe, and which could not now be questioned without unsettling long acknowledged and well established rights, and introducing disturbance and confusion through the whole frame of society. These titles admit of no question, and have been explicitly recognized by our own highest judicial tribunal. In the case of Wallace and Parker, (6 Peters 680) in which a grant of land in the territory afterwards ceded by Virginia was the subject of controversy, the supreme court says—"At the time it (the resolution granting the land) was passed, Virginia possessed the territory in which it was located in absolute sovereignty. The deed of cession had not been executed, nor had the act been passed by which that deed was authorized. Congress by accepting the cession admitted the right to make it, and that right has never since been drawn into question." These principles are indisputable and apply equally, of course, to all the states.

At the period of the revolution, the chartered limits of the old thirteen states embraced very unequal areas of territory. Beyond the frontier settlements of several of them, to the west, lay large tracts of waste and unoccupied land. Almost from the beginning of hostilities attention was turned to them as a fund which might serve to pay the expenses of the war. As early as 1777, an attempt had been unsuccessfully made to introduce into the articles of confederation one securing the crown lands for the benefit of all the states. New Jersey, after several months deliberation, decided in June 1778 against ratifying these articles, basing her refusal expressly on the ground of their containing no such provision, claiming "that the property which existed in the crown of Great Britain previous to the present revolution ought to belong to the congress, in trust for the common use and benefit of the United States," and "ought not to be predilectionally distributed." Maryland, also, in her Declaration of December 1778, states, among her reasons for declining to accede to the confederation, the refusal on the part of congress to recognize her claim to "a right in common with the other members of the Union to that extensive tract of country which lies to the westward of the frontier of the United States, the property of which was not vested in or granted to individuals at the commencement of the present war," and the rejection of the article before referred to, proposed by her, to the effect that these lands were "a common estate, to be granted out on terms beneficial to all the United States." The state of Delaware, also, set up similar pretensions and pursued a like course. All claims, however, as of right, to lands within the chartered limits of the several states were steadily resisted. The remonstrance of the general assembly of Virginia of the 14th December 1779, solemnly asserted her absolute and exclusive sovereignty and jurisdiction within those limits, and denounced any attempt on the part of congress to "assume a jurisdiction or arrogate a right of adjudication" therein as "not only unwarranted by, but expressly contrary to, the fundamental principles of the confederation," "a violation of public faith," and "a most dangerous precedent, which might hereafter be urged to deprive of territory, or subvert the sovereignty and government, of any one or more of the United States." Failing to obtain the recognition of the claims they advanced, or the desired alterations in the articles of confederation, New Jersey in December 1778, Delaware a few months later, and Maryland in February 1781, all expressing their reliance on the justice of the several states in due time to remove the inequality complained of, acceded to, and finally completed, the Confederation.

But what Virginia had refused to yield to a demand, as of right, she was forward in offering up for the sake of harmony—to appease the rising jealousies and discontents of her sister states, and to consolidate the union and power of the confederacy. She was the first, it is believed, of all the states to make a tender of her lands in aid of the common cause. She offered, at least as early as 1779, to furnish lands "to the troops on continental establishment of states holding no unappropriated territory, in conjunction with other states having unappropriated lands, in such proportions as should be adjusted by congress." A cession of territory to the United States, however, was deemed more advisable, and congress earnestly pressed it upon the proprietor states to make a liberal surrender of their territorial claims, "as essential to public credit and confidence, to the support of our army, to the vigour of our councils and success of our measures, to our tranquillity at home and our reputation abroad, to our present safety and our future prosperity, to our very existence as a free, sovereign and independent people." The willingness to contribute a share of the territory in question had, as has been seen, been already manifested by the great proprietor Virginia. The difficulty was in settling the terms of the pro-

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posed cession. To obviate this difficulty, and to further the great object, Congress, by resolution of 10th October 1780, declared, among other things, that the lands which might be ceded by any state to the United States should "be disposed of for the common benefit of the United States." Already, New York, by the law authorizing a deed of cession to be made by her delegates of certain of her vacant lands to the United States, had declared the object, and expressed the condition, of making the surrender, by similar words, and they were accordingly incorporated in her deed executed on the first day of March 1781. The great surrender on the part of this state, "embracing but not confined to the limits of the present states of Ohio, Indiana and Illinois," was authorized by a law passed in January 1781, but was not consummated, by reason of some difficulties between congress and the legislature in adjusting the terms, till the 1st March 1784. Large and valuable cessions of territory were likewise made successively by Massachusetts, Connecticut, South Carolina, North Carolina, and, finally in 1802, by Georgia.

Various, as in other respects, were the conditions and stipulations of the deeds of cession, they all contain an express clause declaring the lands ceded to be conveyed "for the benefit," or for the "common benefit," or "for the use and benefit," of the United States. It will not be useless or irrelevant at a time when so many modes are proposed for disposing of these lands to enquire what meaning these words were intended to convey by those who employed them.

The states, at the period when these cessions were made, had just brought to a successful termination a long and expensive war. Their money exhausted, their credit strained almost to breaking, they found themselves at the end of their glorious struggle weighed down by a load of debt. The discharge of this debt was a solemn and pressing duty. To enable them to perform it, Congress had no recourse except to the authority vested in them by the articles of confederation to call upon the states for contributions in the proportions therein prescribed—an authority that, if not contemned, had, at least, been often ineffectually exerted, and obedience to which there was no means of coercing. The states were then strong—the sovereignty of each entire and undiminished—its will supreme. The confederacy, aptly described as a 'rope of sand,' was almost dissolving in its own weakness. Dissensions sprung up, originating chiefly in the claim of the states holding no waste lands that those held by other states should be considered common property, that threatened to overshadow the future destinies of the republic. It has been shewn how this demand was repelled, and the states respectively secured in their territorial and sovereign rights. But though the right to deprive them of territory was now abandoned, yet the states having unappropriated lands were not insensible to the considerations urged by others less fortunately situated, or to the urgent appeals of congress. Accordingly, in grateful recognition of the unconquerable spirit that animated and sustained through a harassing and calamitous war the whole people of the confederacy in resistance to tyranny—of common sufferings and common triumphs—with a disinterested and munificent liberality of which no parallel is presented in the history of nations, they offered up in succession their vast unappropriated domains to promote and establish "the happiness, strength and safety of the United States."

It is apparent from this brief view of the circumstances under which the cessions were made that their primary and paramount object was the pecuniary benefit of the states. That benefit could in no way be more effectually or directly promoted than by relieving the states from the heavy engagements they had come under in prosecuting the war. To dispose of the lands as directed by the deeds, so as to effect this object, required, of necessity, a valuable consideration. They were to be "sold out," as the language is of the declaration of Maryland, "or otherwise disposed of for the common benefit of all the states; and that the monies arising from the sale of these lands, or the quit rents secured thereon, may be deemed and taken as part of the monies of the United States, and as such be appropriated by congress towards defraying the expenses of the war, and the payment of interest on monies borrowed or to be borrowed on the credit of the United States." So New Jersey uses the language that this property should be "disposed of for defraying the expenses of the war." New York too, in her act of February 1780, refers to the discontent of the states not yet assenting to the articles of confederation, because they conceived the waste lands "ought to be appropriated as a common fund for the expenses of the war." And, not to multiply instances, Virginia in her act of January 1781, refers to the contemplated cessions as designed for the "general emolument."

But while all will agree that there could be no more legitimate application of the proceeds of the lands than to the payment of the war debt, it is to be observed that such application of them was by no means confined to that object. Indeed it was not even specifically directed. As the payment of the debt was not, on the one hand, limited, nor ever designed to be limited, to the land-fund, so, on the other, the benefits to be derived from the fund were not, nor ever intended to be limited, to the extinguishment of the debt. No such purpose is declared in the deeds—no obligations, referrible peculiarly to the public debt, are imposed by them on the United States. The rule laid down for the government of those charged with the duty of disposing of them is clear, simple and invariable—the same whether there were a public debt or no—whether before or after its extinguishment. The benefits proposed to be secured by it to the states are to flow to them, till the spring itself which supplies them dries up. The nature of those benefits once fairly ascertained can never rightfully be changed—the extent of them should be as great as a judicious disposition of the property will admit—and no course that would deprive the states of such benefits altogether, or of their just and equal participation in them,

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or should designedly curtail them, or change their character, can be pursued without doing palpable violence to the terms and spirit alike of the compacts of cession.

The view that has been taken of the obligations resting on the United States in administering the great fund in question applies equally to all the lands ceded by the states. It is deduced from the terms of the deeds, admitting in the opinion of your committee of no other interpretation. In respect to a part of the lands, and the largest and most valuable part of them, not only is the duty prescribed of disposing of them for the common benefit, but *the rule is expressly laid down* by which the United States shall be governed in apportioning that benefit among the several states. In the deed from Virginia it is declared that the lands ceded by them "shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the United States, Virginia inclusive, *according to their usual respective proportions in the general charge and expenditure.*" North Carolina adopted this provision into her deed in the very words used by Virginia. What terms, more plain or explicit, could be employed, to give the rule by which the contemplated benefit to be derived from the sale of the lands, should be apportioned among those who were to be benefited. No ingenuity can pervert their obvious meaning—no cavil elude their force—nor any thing short of a profligate will, incited by blinding cupidity, or unhallowed ambition, escape from the obligations they impose. *Stat pro ratione voluntas* are the ominous words that have already, in reference to this subject, been uttered on the floor of the American senate. Drawn from a barbarous code, they are an insult to the moral sense of the nation, and must revolt all but those whose propensity to plunder is only restrained by the fear of punishment. They must be dull indeed who do not perceive in them the unequivocal admission of the force of the obligations they are designed to supersede, and strangely blind to their interests and their honour, or pusilanimous beyond belief, who should tamely submit to the threatened injustice.

The full force and effect of the terms employed in the compacts of cession cannot be in the least justly detracted from by reason of any supposed carelessness or precipitation in the employment of them. On the contrary, the history of the transaction shews evidently that they were selected with care and deliberation. The states that ceded the lands were not insensible of the value of what they were surrendering. From 1777, perhaps earlier, the proposition of surrender was before the country. Four years elapsed before it was carried into act by New York who led the way, and nearly thirty before Georgia, who was the last to cede, came into the measure. During this whole period the subject was anxiously and constantly canvassed between the general government and the states—by none with more care or circumspection than Virginia, whose unappropriated territory was larger in extent, and greater in value, than that of all the other states together. More than three years elapsed, from January 1781, when her first act for ceding her lands was passed, to March 1784, the date of her deed of cession, before the terms could be definitively settled. The language of the deed under such circumstances should be allowed its full weight without any diminution whatsoever.

The proportions in which the states were, or should be, liable to contribute to the common treasury, furnished, very naturally and properly, the rule of apportionment amongst them of the proceeds of the fund placed under the control of congress, when there should be any thing to distribute. It was obvious that these proportions must necessarily undergo continual fluctuations, according as the wealth and population of the several states should vary relatively to each other, and also as new states should be admitted into the Union. Hence, not the then existing proportions in which the several states were liable to contribute, nor any fixed proportions whatever were prescribed—but a rule was laid down, capable of being applied with equal ease and justice to all the states whatever changes they might undergo relatively to one another—*that the ratio of distribution should always correspond with the ratio of contribution.* It is further apparent that *apportionment* was contemplated of their respective shares, *in severalty*, among the states. The language of the two deeds under consideration seems plainly to import it. It was not "the United States of America," as the style was of the confederation, nor the United States—but "such of the United States" as were then "*members*," or should become "*members*" of the confederacy, who were to enjoy the benefit of the grant according to the prescribed proportions, and the phrase "Virginia inclusive" by which this state reserved her right to share the benefits of the fund, no less plainly imports a several and distinct apportionment. But when it is remembered that, at the time when these deeds were made, each state was entirely independent and sovereign; bound to the rest only by a league, and called on separately, and as a state, for its quota of revenue, it does not admit a doubt, that provisions directing the United States to pay money, or communicate benefits to the *states* being or to become members of the confederacy, meant the states in their same separate and individual character in which they were liable to the United States when called on for their respective quotas.

It is not surprising that no attention should have been attracted to the subject so long as a public debt existed to absorb all accruing surpluses of the public treasury from whatever source. Liable to be taxed proportionably, to pay this debt, the states seem to have acquiesced in the application to it of a fund that they were, in the same proportion, entitled to divide. Now, however, that the public debt is extinguished, or of inconsiderable amount, it behooves the states to look to their rights, and to the important interests they have in this subject, and to see that those rights and interests are not violated or disregarded by those to whose guardianship they have been confidingly entrusted.

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It clearly appears from this review of the deeds of cession, and of the attending circumstances, that the surrender of their vacant lands by the states ceding them, was by no means an unconditional one; but, on the contrary, that it was the creation of a '*great public national trust*,' reposed in the general government, to be executed *bona fide*, according to the expressed conditions, and in advancement of the declared ends, of its creation, and for no other use or purpose whatever.

But it has been asserted, and the impression sought sedulously to be made upon the public mind, that the authority of the United States over the trust subject underwent some modification by the adoption of the federal constitution, leaving congress a larger discretion than before, if not an unlimited control, over the disposition of the public lands. Utterly groundless and unwarranted as this assumption is, it is not surprising that it should be resorted to. It is of manifest importance to certain interests to disembarrass the federal government of conditions which, so long as they shall be regarded, interpose an impassable barrier to the gratification of that boundless and unlicensed lust for the public property which we have occasionally seen exhibited in utter defiance of every principle of equality or justice. And though they should fail, as fail they must, in creating the desired impression, whenever the question shall be subjected to examination, the very fact of such a pretension being set up, will have the effect, as they who advance it well know, to paralyze, to some extent, the vigour with which an undisguised claim to defeat those conditions would doubtless be resisted, and thus better their chance of success in the unjust and unrighteous schemes that have been alluded to. So far from countenancing any pretension sought to be derived from its authority for a departure from the terms of the compacts of cession, the 1st section of the 6th article of the constitution expressly declares, that all "engagements entered into before the adoption of this constitution shall be as valid against the United States under this constitution as under the confederation"—thus recognizing the validity of the engagements entered into by the confederation in accepting the trust, to all intents and purposes as if the same had been made to, and accepted by, the government as then organized. And again—in the 2d section of the 4th article of the same instrument, where power is given to congress to "dispose of the territory or other property belonging to the United States," it is, out of abundant caution, expressly declared, that "nothing in this constitution contained shall be so construed as to prejudice any claims of the United States, or of any particular state." So far as the public lands were concerned, this latter provision was perhaps unnecessary. The existing engagements between the particular states and the confederacy, had been sanctioned, in all respects, by the clause contained in the 1st section of the 6th article just cited. These devolved on the general government the duty of fulfilling the stipulations of the deeds of cession requiring among other things, the disposing of the lands ceded, and, as incidental to this duty, the power was of course possessed of making all needful rules and regulations respecting them. The clause of the 2d section 4th article, merely asserts, in terms, a right and duty in congress, as regards this subject, which existed equally without it. And the succeeding clause repelling any construction, not of the previous one only, but of any part of the constitution, that should prejudice the claims of any of the states, was carefully introduced to defeat any possible pretension, derived from too broad an interpretation of that, or any other of the great and comprehensive powers necessarily communicated to the federal government, which might be designed or calculated to enlarge the powers of congress over those vast interests, committed to their charge, under limitations and conditions of the most special character, and weighed with the most cautious deliberation.

The whole course of the general government, whether under the confederation or under the constitution, for more than half a century, is in conformity with the view which regards the public domain as a national trust, and which exacts, in the execution of that trust, a *bona fide* performance of the conditions on which it was erected. In its legislative action, many instances, it is true, occur of some departure from the strict requirements of the deeds of cession, and some principles are found in the laws providing for the disposition of the lands, which are at least of questionable conformity to their provisions. Under the former head might be cited gratuitous donations of lands granted, at different times, to particular states; but adverting to their inconsiderable amount compared with the vast extent of the public domain, and to the withdrawal for a long period, of public attention from the subject, for reasons before stated, it may excite surprise that such instances should be so rare, rather than they should have occurred. Under the latter, may be adduced the grant of the $\frac{1}{36}$ in each of the new states for purposes of education, and the grants of land made to those states for constructing roads and canals. Grants for purposes of internal improvement, may be plausibly at least, and, in some cases, perhaps not unsuccessfully defended, as having the effect, not to diminish, but it may be rather to enhance, the value of the trust subject. Where such was really the inducement, or the effect of these grants, while we cannot concede the right, in strictness, to make them, we are yet not disposed to complain.

The grants for schools are not, at least, to the same extent, defensible on the same grounds. But as early as July 1787 the great ordinance was passed establishing the principles and terms on which new states should be admitted under the compacts of cession, and declaring, among other things, that "schools and the means of education ought to be encouraged"—the appropriations of lands to those objects seem to have passed unchallenged for more than fifty years—and, at any rate, even if less defensible than they are, the intrinsic excellence of the purposes intended to be subserved by them, may well plead, and more especially after so long an acquiescence, to protect from too curious a scrutiny the grounds on which they rest.

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But it is impossible to contemplate the land system of the United States, as a whole, without perceiving in it convincing proofs of the good faith and sound judgment with which it was devised, and how admirably it was adapted to attain the objects had in view by the grantors of the property. The care with which the surveys were provided for—the selection of lands to be brought into market—the divisions and sub-divisions into which they were laid off—the moderate, although by no means nominal, price put upon them—the modifications made from time to time in the provisions of the laws having for their object their more ready sale and settlement—and the whole machinery that has resulted, on the one hand, in the rapid creation of powerful and independent communities, and, on the other, so largely contributed to the discharge of the public debt—all shew how steadily the efforts of the federal legislature were directed to carry out, in good faith, the purposes of the trust.

Proofs of a different, and even more decisive, kind have been afforded by congress of the sacred regard in which they have ever held the stipulations of the compacts. In 1786, desirous to be relieved from inconvenient restrictions imposed by the deed from Virginia as to the extent of the new states to be formed out of the ceded territory, they recommended it to that state to revise and alter the stipulations of the compact in that respect, and subsequently proceeded to prescribe what the boundaries of the new states should be "*as soon as Virginia should alter her deed of cession.*" It was not till two years after that this state made the desired alteration. Again, in 1804, congress established the western boundary of the land reserved by Virginia in her act of cession, for military land bounties, "provided, the state of Virginia shall within two years after the passage of this act recognize such line as the boundary of the said country," which Virginia declining to do, congress, in 1812, appointed commissioners to meet commissioners from Virginia to settle that boundary—still continuing to give to the provisions of the compact the fullest efficacy and authority. And as late as June 1812, congress adopted a resolution asking the consent of Georgia to the division of the Mississippi territory into two states, instead of forming one out of it, as provided by her deed of cession. Thus, as well under the constitution, as under the confederation, has congress not only never denied the binding authority of these compacts, but expressly, and by the most solemn acts, fully and repeatedly admitted it.

The federal judiciary have in like manner, and in the clearest terms, affirmed the doctrines here contended for as to the true relation of the general government to the public domain, and the duties thereby imposed upon it. In the case of Doddridge *vs.* Thompson, 9th Wheaton, p. 469, the supreme court says—"It has been truly observed that while the government of the union is to be considered as holding the territory ceded by Virginia *in trust* for the officers and soldiers of Virginia, so far as the reservation for their benefit extends, it is also to be considered as holding the lands not reserved *in trust for the nation*, and as being bound by its high duties to execute the trust." Again, in Jackson *vs.* Clark, 1st Peters, p. 628, after reciting the clause herein before quoted from the Virginia deed of cession, that court uses the following still more explicit language. "The government of the United States, then, received this territory *in trust* not only for the Virginia troops on continental establishment, but also *for the use and benefit of the members of the confederacy*, and this trust is to be executed by a faithful and *bona fide* disposition of the land for that purpose." Though these declarations refer in terms only to the lands ceded by Virginia, the cases having arisen under her deed, yet it is manifest they apply with no less force to the whole ceded domain.

It is believed by your committee that no opinion or act of the executive department of the general government, at least up to a very recent period, can be found, giving the least countenance to any views of the duty of congress in regard to the public lands, different from those shewn to have been entertained both by congress and the supreme court. It will be sufficient to refer to a recent exposition of the opinions of that branch of the government, contained in a message of president Jackson to congress in December 1833, devoted to an elaborate examination and discussion of the proposed modes of disposing of the public lands, and which exhibits the subject in its true light in language of singular force and clearness. "The cessions of Virginia, North Carolina, and Georgia, (says the message) in express terms, and all the rest impliedly, not only provide specifically the *proportion* according to which *each state* shall profit by the *proceeds* of the land sales, but they proceed to declare that they shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."—And adds, "This is the fundamental law of the land at this moment, growing out of compacts which are older than the constitution, and formed the corner stone on which the Union itself was erected." "The constitution" (it says in another place) "left all the compacts before made in full force, and the rights of all parties remain the same under the new government that they were under the confederation." And again, "The solemn compacts invited by congress in a resolution declaring the purposes to which the proceeds of the lands should be applied, originating before the constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations."

Thus it appears that the recognition of the validity of the compacts, and of the sacred observance due to their stipulations—unquestioned during the confederation, has, since the adoption of the present constitution, been complete, uninterrupted and repeated, by the general government, in all its departments—executive, legislative and judicial.

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It is to be esteemed fortunate for the country, that the duty of settling a scheme of policy for the disposal of the public lands, devolved on the federal authorities under circumstances the most auspicious to a wise and just decision. No conflicting interests—no disturbing influences, then existed, to swerve them in the least from the line of duty. The states at that day were the undoubted proprietors of that great interest. Trustees of a fund, in the benefit of which the states they represented were entitled to share proportionately, congress had only to consider what disposition of it would most conduce to advance the common benefit. The advantage that had been mainly looked to, as well by the states that gave, as the states that received, the common fund, was, more immediately, relief from the burdens which the war had imposed on all, and, more remotely, the avails of that fund as a perennial source of income, of power, and prosperity. The policy to be pursued to secure that advantage was not difficult to discern. It obviously was, to sell the land for a price which should on the one hand not be so low as to drain the states, seeking to be benefited, of their people or their wealth, nor on the other, so high as seriously to obstruct sales, and thus defeat the primary object of raising money. The means taken seem to have been admirably adapted to the end proposed. Offering lands, not in too large quantities, in the vicinity of the settled frontier, to the highest bidder, was a course well calculated to preserve a just proportion of value between the public lands and those already held by individuals in the same neighbourhood, and, indeed, to sustain the value of that description of property throughout the Union—while the price fixed at which lands, not bought at public sale, might be afterwards entered, (originally two dollars per acre) was one which, particularly when we advert to the lower scale of prices for lands, as well as greater relative value of money, existing at that day, as compared with the present, vindicates completely the title of those who established it to perfect good faith. The system worked most successfully, so as fully to justify the commendation bestowed on it by an eminent statesman when he said "no branch of the public service has evinced more system, uniformity and wisdom, or given more general satisfaction than that of the administration of the public lands." It remained without material modification, performing silently, but efficiently, its appointed purpose, till, in 1820, the policy of cash sales was introduced instead of sales on credit, and the price of lands offered, without being sold, at auction, was reduced to $1 25 per acre. From the infinite difficulty and litigation to which sales on credit had given rise, it was wise, doubtless, to substitute it by sales for cash, but it may be well questioned, whether the considerable reduction of price then made, was not rather evidence of the existence in our councils of the new and powerful interest which it propitiated, and of the influence it had already begun to exert, than of that paramount regard to the equal benefit of all the states, which had till then governed congress, and which, as faithful administrators of the trust, it was their first duty to consult. It may well be doubted, whether the considerable reduction of price which then took place, did not operate as a temptation and stimulus to emigration from some, at least, of the older states, draining them of wealth and population, to a degree not only not compensated by the advantage they derived from the increased receipts from the land sales, but on the contrary, highly prejudicial to their interests. But your committee will not go into an enquiry ungrateful in its nature, and which, at this day, at least, might seem ungracious, also, towards a portion of the Union; and which, besides, result as it might, could not, as they believe, lead to a change of policy on the part of congress in a point so well settled, and so long acquiesced in, as the *minimum* price put on the public lands. They moreover are not disposed, or perhaps authorized, to impeach the policy in question, as adopted in bad faith, and they feel that, in such case, it would ill become the dignity of this commonwealth, or comport with that spirit of generosity which prompted the surrender of her broad western domain, to enter into a critical examination of the minute correctness of the grounds on which that policy was founded.

The course pursued by congress in the disposition of the public lands, in conjunction with other fiscal arrangements, resulted finally, in 1835, in the extinguishment of the public debt. From this epoch, new and various views of the proper policy to be pursued by the government in relation to them, have been presented to the consideration of the nation, and on these, it now becomes the duty of your committee, to bestow some examination.

Before doing so however, your committee deem it proper to recur to the questions connected,

2*dly*, With that portion of the public lands derived by treaty from France and Spain. They were embraced in the purchase of the territory then known as Louisiana, in 1803, and of Florida, in 1819. The pecuniary consideration paid for Louisiana was fifteen millions, and for Florida, five millions of dollars, which was drawn out of the public treasury. It seems that the ordinary revenues of the United States, and the proceeds of the land sales, though proceeding from sources so distinct, and to be applied under disconnected and dissimilar trusts, have been always paid alike into the public treasury, and indiscriminately disbursed. As, however, from the adoption of the constitution, down to a late period, there existed a public debt to which both were alike applicable, sufficient to absorb, as well the proceeds of the lands, as all surpluses of revenue, it was perhaps not important, though it might have been in some respects convenient, to keep separate the two funds. But although the moneys arising from both these sources were thus confounded together as constituting a common treasure, yet, it appears, that the cost of the two territories, Louisiana and Florida, has always been charged to the land fund, and always held by the government to have been paid out of it. So considering it, the transaction is merely the conversion of the lands sold, into other lands, which became at once subject to all the incidents and conditions that attached to the former.

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Hence your committee conclude, that congress owes the same duty to the states as respects the purchased lands, as is devolved expressly on them in regard to the lands ceded, that is to say, to dispose of them for the common benefit; and the rule being laid down as to a large, perhaps the largest part of the public lands, by which that benefit is to be apportioned among the states, binding on congress by the most solemn engagements, just in itself, and of easy application, the obligation to pursue it in regard to the whole territory would seem to be recommended by every consideration of equal justice and sound policy—if, indeed, the fair and obvious construction of the 3d section of the 4th article of the constitution, manifestly contemplating a uniform system for disposing of *all the lands* of the United States, did not imperatively require it.

In the somewhat elaborate view which has been presented of the manner in which the United States acquired title to the public lands, and of the conditions on which they hold it—in deducing hence the obligations imposed on the federal government in regard to them—in shewing the recognitions of those obligations by every department of that government—and exhibiting the policy, in the main conforming to those obligations, heretofore pursued by congress, your committee indulge the hope of being enabled to narrow materially the range of discussion, which might else have been necessary, in examining the various schemes which have been suggested for disposing of the public lands. The principal of these they now proceed briefly to review.

1. It has been proposed that congress should surrender unconditionally to the new states so much of the public lands as may be included within their respective limits. If your committee have been at all successful in the views they have submitted, it has been shewn to be the imperative duty of congress *to sell* the public lands *for the common benefit* of *all the states*. Need they go farther to expose the monstrous and utterly inadmissible character of the scheme in question, than that it proposes to *give away* portions of these lands for the *exclusive benefit* of *a few only* of the states—thus violating, in every particular, the conditions on which the trust was created, and was accepted. They might urge objection upon objection to such a proposal—they might shew it to be not only injurious to the states generally, but unequal and unjust among the new states themselves—unjust towards the territories—but above all obnoxious, as entailing, in all human probability, immediate and serious evils upon the old states, which, (and more especially those that ceded the territory) even if unjustly deprived of the share of benefit designed to be reserved to them, might, at least, it is conceived, claim protection against further injury. But your committee cannot believe it necessary to multiply arguments against a measure after it has been once shewn to involve a breach of the public faith. When that consideration shall fail to be decisive, all others may well be esteemed superfluous.

2. The plan proposed in a bill now pending before congress "to cede the public lands within the limits of the new states on certain conditions therein mentioned." Its principal provisions are, that the United States shall, from and after the 30th June 1842, cede to the new states the lands included within their respective limits, on condition that these states shall bind themselves, by irrevocable laws, to pay into the public treasury fifty per cent. of the gross amount of sales, on or before the first of February in each year—that, from the said 30th June, the price of all such lands shall be graduated to one dollar, seventy-five cents, fifty cents, and twenty-five cents per acre, according as they shall have been, or may be, ten, fifteen, twenty or twenty-five years, open to entry at the present *minimum* price—all remaining unsold thirty years after having been offered at auction to be ceded to the states, respectively, without price—the existing land system, modified by the provisions just referred to, to be adopted by the states, and not changed without the assent of congress—each state to relinquish all claim to the five per cent. on sales now secured to it, and to pay all charges incident to the management of the public lands, and the extinguishment of the Indian title within its limits—the cession to be void on failure of any state to comply with these conditions—and all titles to such lands thereafter made by such state to be void.

Seemingly guarded as the proposed measure is against such a consequence, your committee can hardly view it in any other light than as a virtual surrender *in toto* of the public domain, after more or less protracted negotiations. They will not charge this to be the design. It is very possible that the projectors of it confide in the efficacy of its provisions, and not improbable that, for a time, their anticipations would not be disappointed. But when was unfailing punctuality in the discharge of debts, for a long period of time, yet shewn in the history either of states or individuals? To the former part of the enquiry, our own experience under the confederation may be referred to for an answer. The exigency could at no time be more urgent, or the engagements more solemn, or the objects more important, than those which addressed themselves to the states to ensure the punctual payment of their quotas to the common treasury. Yet they did not avail. And it is particularly deserving of notice, at a time when we are proposing to abandon the direct and efficient control now possessed by the general government over individuals, for a doubtful and dangerous authority over sovereign states—that it was the very necessity of substituting such inefficient authority over the states by direct relations between the general government and the people in order to secure the collection of the public dues, that led mainly to the new organization of our federal system in 1789.

Adverting on the one hand, to the condition of the new states, with large areas of territory and a sparse population; and to the pressing demands on them from every point for roads and canals, and public improvements of every kind, and, on the other, to the great and wealthy government to which the payments are to be made, it is impossible to calculate with confidence on a punctual compliance on the part of those states with their proposed engagements. And in the event of default, not more powerless was

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the old confederacy, than the present government would prove, to enforce its demands. The check provided, that the cession, in such case, shall be held null, and titles thereafter made by the delinquent state, void and of no effect, would itself prove totally illusory. Why should it be supposed, that a state refusing to pay according to her engagements, would yield a more ready obedience to the other stipulations of the cession? would consent to relinquish her established control over the lands within her limits—close her offices—dismiss all her numerous agents and servants connected with them—and abandon to her creditor the machinery put in motion under her authority? And this too under circumstances that would admit, on the part of that creditor, if they did not invite, the substitution of an injurious, or, it might be, vindictive line of procedure, in place of the policy which such state had deemed it expedient to adopt. And if more states than one should be in default, they would be still less likely to consent to a measure that so directly affected, and might so greatly prejudice their most essential interests. No resort but force would be left to the general government to compel compliance with disregarded engagements—a resort which, whatever ground we might have to complain of broken faith, of injustice, or of ingratitude, is one the adoption of which we could never contemplate, under any conceivable circumstances, but certainly not for such a cause as this, towards our fellow citizens, friends and brothers. The abandonment of the claim would necessarily ensue, and because that claim is most just and incontestible, and our own exigencies, and the duties we owe to ourselves, do not admit of its being yielded, so do we earnestly deprecate the adoption of a measure calculated, as we believe, to present no other alternative.

But admitting that no difficulty would ever arise from delinquency on the part of any of the numerous debtor states to be created by the measure in question, there cannot exist a doubt, that some of them at least, and more probably all, would be found from the first soliciting postponement of the agreed payments, or a total surrender of the claim. When we see a proposition for unconditional surrender of the whole property, urged already with so much zeal from the quarter of the Union where it lies, how can we doubt the ready adaptation of the plausible grounds on which it is advocated, by an easy and natural transition, to such applications as are suggested? And when we see, as we have seen in the case even of individual debtors, the general government lending so facile an ear to similar applications, and still more, when we look to the considerations that seem mainly to have influenced its forbearance, how can we expect it to exhibit a sterner virtue where states are the suitors for favour or indulgence? In whatever light the scheme be considered, whether the object really be, as it professes on its face, better to secure to the states the reduced share of their interests in the lands provided for in the bill, or whether it be a device to betray them into an unintended surrender of what a just regard to their rights and interests would never permit them intentionally to relinquish, your committee can only see in it the total loss, sooner or later, to the old states of the great stake held by them in the public lands—a consequence which they owe it to themselves strongly to protest against, and, if possible, avert.

The loss of pecuniary benefit, considerable as that would be, involved in the unqualified surrender of the public lands, is yet, perhaps, not the greatest evil to which the old states would be exposed from such a measure. Your committee have already glanced at the consequences to them of throwing into market in the new states, at greatly reduced prices, large bodies of land. Is it not obvious that such would probably be the effect, if unlimited control over the lands within their borders, were possessed by those states? The rivalry between them would be to hold out by selling their lands at the lowest prices, or, it might be, by giving them away, the strongest inducements to the rapid settlement of their territory. Donations of land to invite settlers has indeed been already pronounced by one of them to be the true line of policy when she said "it is not money Indiana wants—it is human souls." In the means, and, still more, in the skill and labour of the emigrants they would thus invite, those states would not be slow to perceive the substitution of a far more enduring and profitable capital, for the lands they might part with. Who can measure the effect upon the old states of the drain that would thus be opened of their wealth and their population? And who that feels the true and permanent allegiance he owes, first of all, to the state he lives in, can lend encouragement to a project which is thus to cripple her power, lessen her resources, and blight her prosperity? We desire not to be misunderstood. No taint of jealousy or envy qualifies the unmixed gratification with which we have viewed the rapid and brilliant career to opulence and power of the young republics of the west and south. We see in it, with a just pride as Americans, the growing power and resources of our glorious Union—as men, hail with delight the rapid improvement in the condition of our fellow men—and as republicans exult in the still widening sphere of those blessings which ever follow in the train of free institutions.

Virginia, least of all, whose sons have so numerously gone forth to find new homes in the west, could view otherwise than with the highest satisfaction, the successful results of their industry and enterprise. But yet she cannot be wholly insensible to the fact, that in the transfer of her citizens and her means, is in part to be found the cause of the unparalleled growth of these new and flourishing communities—and the cause, at the same time, of that check to her own advancement to opulence and power—which it is the first duty of a state, by every honourable exertion, to promote. She has hitherto acquiesced cheerfully in the liberal policy of the general government—more liberal it may be, than a due regard to the interests of the old states would altogether justify—in view of the interesting results it was accomplishing, as well for the Union, as for mankind. She

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would not now disturb that policy, by interposing any new obstacle to the speedy settlement of the public domain. But when the disposition is manifested, injurious as that policy now is to her interests, so to alter it as to increase the disadvantages to which it subjects her—when, not content with a more rapid creation of wealth and population than the world has ever before witnessed, operated by this policy, the attempt is made not only to deprive her of the partial benefits heretofore derived from that source, in compensation, however inadequate, for the evils entailed on her, but to expose her to an aggravation of those evils, justice, and an enlightened self-interest, alike require that she should interpose to repel the attempt, and avert the mischief.

Even if it were conceded, that the plan under consideration could be successfully carried out—yet effects similar to those which have been pourtrayed as resulting from the surrender of the lands, but modified in extent, would result from the graduated reduction of their price contemplated by the bill. This question opens a wide field of enquiry—but your committee are admonished rather to indicate some of the leading objections to it, than to treat it at the length its importance would demand. Your committee point to the unprecedented filling up of the waste lands of the Union, as affording conclusive proof that the price put upon them, is far below their value. The affections of men, every where, cling strongly to the homes of their childhood—the scenes of their earlier years—the friends of their youth. The considerations of interest must be strong indeed, and the calculations of benefit very sure—that can induce the sundering of such, and so many, ties—and encountering, at the same time, the privations and perils incident to new settlements, in untried climates, and recently formed societies. What can more decisively demonstrate the strength of those inducements than the fact, that in the lifetime of a single man, an almost uninhabited territory has been converted into several rich and powerful states, numbering millions of inhabitants? or what more conclusively shew that these inducements do not require to be strengthened, than the fact, that the tide of emigration is still setting from the older states, to the more recent, with scarcely yet slackened power? The fact undoubtedly is, that the quantity of lands continually thrown into market by government has been beyond the capacity even of the large proportion of the means and labour of the country invited in that direction, to take up, or to cultivate. Hence large quantities of land have remained unpurchased, not because the price was more than they are worth, but because fresher lands, constantly offered for sale, might be purchased at prices still less proportioned to their value, and have absorbed the means that would else have gone to buy those lands which had been longer in market. In this is to be found the solution of the fact of the large quantity so long, and still remaining open to entry—and not in the less value of the bulk of these lands, than the price asked for them; not that it is doubted that a portion of them may be worth less than the minimum, or even to all time, may be utterly valueless, but that it is not true that the price is too high for a great part of them, even now—and by inevitable laws that operate in every society, more and more of them will continually rise in value, till they shall readily command the price they are now held at. These are not speculative views. Results demonstrate their truth.

In a report made to the senate of the United States in 1836, it is stated that by "reference to the sales of the public lands at the several land offices for a series of years," "it will be seen that a larger per centum of the lands actually in market at private sale has generally sold at the *old* than at the *new* offices, and that per centum has generally increased in proportion to the time the lands have been in market," and adds "it is a remarkable fact bearing upon this proposition that in no state or territory has the sales of public lands at private sale been so great in proportion to the quantity in market within the last 5 years as in Ohio, in which state the public lands has been longest exposed to sale." The graduation policy was not resorted to there. It is not necessary nor is it just under existing circumstances to apply it any where.

As little is any reduction of price called for by a just regard to the rapid filling up of the new states. Between 1820 and 1830 the 11 states containing public lands increased in population at the rate of 86 per cent. while the seventeen in which there were none, increased between the same periods at the rate of 26 per cent. only. Between the same periods the average rate of increase of the five states whose rate of increase was the lowest, (including amongst them the state of Virginia,) was about 9½ per cent. while that of the five whose rate of increase was the greatest was 130 per cent. Your committee have no means of exhibiting the results of the last 10 years. Enough is known however to justify the belief that the comparisons they will present will certainly not be more favourable to the old states than those which have been adduced. Can it be expected of those states to submit to the adoption of any course of policy calculated still more rapidly than the injurious one already pursued to depopulate and impoverish them—to depress still more their political consequence, and strip them still further of the means of defence and the capacity for usefulness?

The demand made by the new states for this reduction is probably itself referrible to the loss of their population, or the check it is beginning to experience occasioned by the new lands thrown into market in adjacent states and territories. They would arrest it by increasing inducements to remain, or to come within their own limits. This is natural in them, but the means proposed are not just to us. A corrective might be found, and ought perhaps to be applied, by a less prodigal exposure of the public lands to sale by the general government—a corrective which would benefit them, and doing injury to none, tend still to enhance the value of the remaining part of the trust subject.

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Reasons of public policy connected with the vastness of our present limits as a people, also strongly recommend a review of the policy in this respect, now and heretofore pursued by the general government. This is not the place to discuss them; and your committee will dismiss this part of the subject by merely pointing attention to the inconsistency of those who while resorting to measures at best of very questionable propriety, to avert anticipated injury, complain at the same time of others for seeking to shelter themselves from similar evils behind the aegis of incontestible rights and the most sacred compacts.

The bill before congress further proposes to allow to the new states fifty per cent. on the gross amount of sales in consideration of their relinquishing the five per cent. thereon now allowed, and of their trouble and expense in managing and disposing of the lands, and extinguishing the Indian title within their respective limits. At present these charges are borne by the United States, and the residue of the proceeds paid into the public treasury. The acceptance or rejection of the proposed terms by the new states would, of course, be a mere question of interest. Where, after paying all enumerated charges, a state would receive more than the five per cent. on sales now allowed it, the terms would be accepted—where less, they would be rejected. In the first case, the general government would lose to the extent of the gain of those states, beyond the enumerated charges and the five per cent., while, in the latter, it would experience no relief.

By the proposed change, therefore, in the management of the public lands, the fund to be applied to the common benefit, can but be diminished, without, as it appears to your committee, any compensating advantage whatever.

What disposition shall be made of the residuary 50 per cent., to be paid to the United Sates, is not provided for by the bill. Whether disbursed as the ordinary revenues, or distributed among the several states, does not appear—but it is manifest, in the absence of all provision on the subject, that whether applied in the one way, or the other, the new states equally with the old, would share the benefit of it. Hence, in addition to the advantage which the new states would already have derived from the cession contemplated, and in which the old states have no participation, the former are still to share proportionately with the latter, in the benefit of the amount to be paid over to the United States—thus defeating that equality of benefit intended to be secured to all the states by the compacts, and to which they are all no less entitled, as regards the lands obtained by treaty. Necessity alone could excuse the adoption of any plan to be attended with such a consequence: but so far from there existing any such necessity—your committee believe that the present plan of managing the land-fund, while it avoids any such inequality, is, in every respect, preferable to the one proposed.

Your committee have deemed it their duty, in consideration of the imposing auspices under which the plan they have been considering has been ushered before the public, as well as of the evident care with which it has been elaborated, to present some of the more important objections, to which it seems obnoxious. These objections have not been enforced to the extent that was desirable, whilst other, and serious ones, they are compelled to pretermit, that they may not too much extend this paper. Those which they have been considering, proceed on the admission of the right of congress to adopt the proposed measure. This right, as to the ceded lands, by virtue of the stipulations of the compacts, and as to the purchased, viewed, for reasons above stated, as part of the trust subject, your committee totally deny. It has been shewn that these deeds constituted the United States a trustee to dispose of the public lands for the common benefit—and that the general government accepted the trust. It is of the essential nature of such a trust, as to whatsoever implies discretion in the execution, to be incapable of delegation. Accordingly, the whole discretion exercised heretofore, in disposing of the lands, has been exercised by congress. Officers and agents have been appointed to execute their will—mere ministerial officers, bound implicitly to pursue prescribed directions. The duties devolved on the new states, by the bill before congress, are not ministerial merely—many of them are so—but unlimited discretion, in some most important particulars, is also conferred on them. Thus—the time of making the sales—the quantity of land to be thrown into market—what lands shall be first sold—are all left to the discretion of the states. It is obvious, that the exercise of this discretion, however honestly directed, might, in regard to all these particulars be so employed, as to be highly prejudicial to the interests of the United States, while it is easy to conceive a state of things, where the particular interests of the states entrusted with the proposed duties, might so conflict with those of the states generally, as to subject them to be swerved from that paramount regard to the interest of the beneficiaries of the fund, which the United States would be bound, and might, therefore, be expected, to evince.

Your committee, for these reasons, protest against the proposed unauthorized delegation of the trust. They view with alarm and surprise, the new principles sought to be interpolated in the policy of the government, in regard to this great interest—nor can they fail to perceive in them, so far as they find favour with the federal authorities, a disposition manifested, to transcend, or to disregard the duties they have solemnly undertaken to discharge. Should the present project succeed, which involves on the part of the federal government, a palpable breach of trust, towards those who reposed it, who could feel surprise, if the trustees of its appointment, countenanced by so eminent an example, should themselves not implicitly regard the conditions imposed on them?

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It does not diminish their alarm, that this breach of faith would involve at the same time, a usurpation of power: the assumption by the general government of entire control over property held by them only in a fiduciary character. They could not but view it as a new assault on the rights of the original proprietor states—as denying to them that respect and deference justly due to them on this subject—as giving new and just cause of jealousy to all the states towards the federal government—and more and more demanding their vigilance to arrest the progressive tendency towards the consolidation of all powers, in hands, that already wield, at the centre, an authority destructive of the balance of the constitution. Nor can they fail to contrast this design to violate that primary, inherent condition of the trust, that devolves the execution of it on the selected party, with the caution and high honour, that led the government in past times, not to admit the least departure from the stipulations of the deed, without first obtaining the consent of the states that ceded the property. Virginia demands that the trust shall be executed by the trustee of her appointment, who accepted, and solemnly undertook, to discharge it. She denies all right in that trustee to delegate the trust, or in any wise change or vary its provisions, or transcend the authority conferred by it, without first obtaining her formal and express assent, and till that be done she protests solemnly against all attempts to exercise it.

In reviewing the various modes that have been suggested of disposing of the public lands, your committee feel called on to advert briefly to a measure recently brought before congress, bearing in their view, very strongly on this question. It is called a bill "for the armed occupation of Florida." It proposes to give 320 acres of land in that territory to 10,000 men, on condition of their settlement there—to furnish them and their families food, clothing and medicines, for 12 months, without charge, and to protect them by an army. Your committee are sure that they but speak the voice of all Virginia, when they say, that no proper and efficient measure, having *bona fide* in view, the protection of their fellow-citizens of Florida, nor any expense necessary to effect that object, could be adopted by congress which would not command their cordial and entire assent. But they may be permitted to doubt the fitness or efficiency of the means proposed. They see in it on the contrary, only the probability of greatly increased expenditure, where already millions have been fruitlessly lavished—of great sacrifice of life, where life has already been too recklessly sported away—and of ultimate disappointment and discomfiture, where, though our brave troops have, through death and hardships, won imperishable laurels, our country has reaped only defeat and lasting disgrace. They know that cupidity never wants pretexts—and in this scheme they see a precedent set, which, if followed in a different quarter of our territory, might lead to the most injurious consequences—under shelter of which, successive squadrons of armed occupants, might be thrown forward, in never ending columns, to protect the still receding frontier, till they should finally abut at the foot of the Rocky mountains, or, it might be, on the shores of the Pacific. The swarms of "pre-emptioners" and "squatters" that have heretofore been attracted to the greener spots of our territory, not deterred by the opposition they have encountered, would now, not only be enabled to possess themselves, without price and without peril, of the rich inheritance of the whole people of the Union, but seem to challenge, in the character of protectors, the thanks of the country, under their new and less repulsive designation of "armed occupants."

The only other plan which your committee deem it necessary to notice, is that recommended in the bill "to appropriate, for a limited time, the proceeds of sales of the public lands, and granting lands, to certain states." Proceeding on the ground, that the United States shall adhere to the system it has so long pursued in disposing of the lands—its leading feature is the distribution among the several states, in proportion to their federal numbers, of the nett proceeds of sale. Resting on principles, the truth of which your committee, in the first part of their report, have attempted to vindicate, and designed to carry out in good faith those stipulations, the binding authority of which, on the federal government, they have also endeavoured to establish—it is a measure which commands, in its principal provisions, their unqualified approbation. It recognizes the public lands as a sacred trust reposed in the United States—it disavows all other authority over them on the part of the United States except as trustee—it denies their right to surrender the trust subject to others—it discountenances such a proposition as unequal and unjust—it admits the binding authority of the stipulations contained in the deeds of cession—it construes those stipulations to require the United States to sell the lands at a fair price—to apply the proceeds to the common benefit of all the states—to apportion that benefit among them severally—and apportion them according to a rule, answering the requirements of the deeds from Virginia and North Carolina, and, in itself, "just, safe, and federal." The principles on which this measure is based, do not seem to require further elucidation. But among those who favour the principle of distribution, the question whether the land-fund shall be set apart from the other public moneys, and the whole periodically distributed, as the plan proposes, or whether it shall be first subject to appropriation by congress, and the residue only distributed, gives rise to some diversity of opinion.

On the one hand, it is argued that the revenues of the government, derived from customs, are insufficient to meet its expenditures—that by the operation of the compromise bill, they will be still further reduced—that a necessity will hence arise, if the proceeds of the sales of the public lands are not resorted to, to disturb that great and healing measure—that the struggle will be again renewed between the friends and opponents of the protective system, destructive to the tranquillity, and threatening, in the issue, the stability of the Union itself—that the anti-tariff states, as the weaker in our national councils, will be again burthened with an oppressive ta-

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riff, and, through this means, incur a loss far greater than would be compensated by their dividend of the land-fund.

On the other hand it is urged, that the apprehension that the revenue from the customs may prove insufficient for the expenses of government, is unfounded—that the reduction going on in the rate of duties, will not necessarily reduce the amount of revenue at all, but may even increase it—that such increase is the natural result of low duties, within a certain limit, and goes on in an increasing ratio from year to year—that admitting it to be diminished, yet it is better to compel government to bring down its expenditures to the level of its receipts, than by placing unlimited means at its command, to invite to a continuance of those unprecedented expenditures to which it has, for some years past, attained—that should the revenue by reason of the reduced rate of duties, still prove less than strict economy in the government would demand, yet there are articles now duty-free, which might be subjected to duty, without at all infringing the principles of the compromise, sufficient in all probability to meet such deficiency—that, at any rate, it were better to give government authority to borrow to a limited extent, to meet temporary exigencies, and afterwards, if still found necessary, authorize, specially, the application to its expenses of the fund in question, than to leave with it, in the first instance, a power so eminently liable to abuse.

After bestowing on the subject the most careful consideration, your committee are of opinion, that the whole proceeds of the trust-fund ought to be kept separate from the revenues of the government, and ought to be annually distributed among the several states in the ratio already indicated—except, only, in the event of war. They are not insensible to the force of some of the considerations urged by those who would reserve to the general government a control over such parts of them, as might be required, in addition to the revenue, to defray its expenses. They believe, however, that no necessity, or, at most, but a temporary one, can arise, when that expenditure shall have been reduced to a proper scale, for a larger sum than will be annually derived from the accruing customs. They are encouraged to believe, by the recent reduction of the inordinate expenses of the government, and the promised still further reduction of them, that, at length, the disposition to spend, has been replaced by the determination to economise. If government will faithfully persist in this purpose, they entertain no doubt of the entire adequacy, ordinarily, of the current revenues to meet the current expenditure. Notwithstanding the recent diminution of the revenue from customs—notwithstanding the present depression of trade, in all its branches—yet your committee are satisfied, that nothing short of wanton, violent and unjustifiable inroads on those principles under which this government, under all administrations, has conducted ('till recently) its financial and commercial policy, with a success unparalleled in the history of nations—can reduce, for more than a brief period, the receipts into the public treasury from the tariff as now arranged, below an amount fully commensurate with the proper wants of government. Should the revenue, however, still be found short of those wants, it has been indicated how they might still be increased without, in any manner, disturbing the principles of the compromise. Should there still be a deficiency, the yielding up of the fund in question, or some alteration of existing duties, would then become necessary. It would then be time enough to discuss which of these measures would be the more expedient.

Your committee can perceive no good or sufficient reason for departing from the policy indicated by the constitution, and so long pursued by the federal government, of raising revenue to meet its current expenditures by means of imposts, or for disturbing that policy, by connecting it, in any manner, with the management of the great trust confided to the United States of the public lands. No mode of taxation hitherto devised, bears, it is believed, less oppressively, or more equally, on the people—and it is susceptible, in ordinary times, of a regularity and uniformity of operation, which it is of the highest importance to secure. The customary expenditures of a government, well administered, should not vary from year to year, but to an inconsiderable extent—and experience has shewn, that the receipts from the customs may, in like manner, be so regulated, ordinarily, as to produce a great equality in their annual amount.

It is extremely desirable that the ordinary expenses of government should be thus regulated; and that the system of duties should be adjusted to them, and placed upon a stable and permanent footing. However arranged, a tariff must always materially affect important interests, and it is of great consequence, that when these shall have once been accommodated to it, they should not be unnecessarily disturbed. The existing arrangement of the tariff will, usually, it is believed, supply an adequate revenue, or, at most, would require, to have that effect, but partial modification.

Your committee consider it best on the whole, that this arrangement should be adhered to. Essentially, it is a tariff for revenue—its former more obnoxious provisions having been repealed, or so modified, as to afford but little room for complaint. It levies, so as to be not oppressively felt, a tax, which will probably meet, but not materially exceed, the legitimate wants of the government. Could the further reduction of it be effected by applying, in place of the revenue it supplies, the receipts from the public lands, your committee would not be prepared to recommend such a measure. The amount of these receipts fluctuate too widely, to justify a reliance on them for the support of government, and these fluctuations would lead to continued changes of the tariff, with that constant disturbance of the business of the country, which is itself one of the greatest evils a people can be subjected to.

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But your committee do not believe, that, empowering the general government to apply the proceeds of the lands to purposes of their own, would lead to a reduction of the tariff.

All experience, individual as well as national, bears witness that extravagance is the offspring of abundance, and economy the child of necessity. Every government is continually besieged by applications involving expenditures of money for a thousand plausible objects, often only to be repelled by pleading the want of means. Projects of expenditure ever press upon the utmost limit of resources, and generally extend much beyond them. It is not desirable, your committee think, to subject the land-fund to these indefinite and ever pressing demands: nor would it be wise or prudent to expose the officers of government, who have always an interest to yield to these solicitations, and to enlarge expenditures, to the strong temptation it would offer not to scrutinize as closely as they ought, and otherwise might, the disbursements of the public money.

A new and important check to too prodigal disbursements by the general government would be found in the states receiving their distributive share of the proceeds of the public lands. They would not fail to perceive in the extravagance and profusion of that government, the necessity on their part of a speedy relinquishment to it of the land-fund, or of increased taxation—and we might look, confidently, under such circumstances, for increased watchfulness over federal expenditures, and the seasonable application of proper correctives.

No such danger of extravagance exists on the part of the states. The dividend of no state would be of such amount, as to invite to wasteful expenditure—but in the present debtor condition of almost all of them, it might, and would afford the most sensible relief.

The annual receipts from the public lands for the ten years preceding September 1835, have averaged, as heretofore stated, about 3½ millions of dollars. Although temporary causes may, for a short period, reduce them even below this point, yet deeper and more powerful ones are operating, which, if not counteracted by gross maladministration of our financial concerns, must maintain them, for an indefinite period at least, at that point, and, quite probably, advance them considerably beyond it. According to this too unfavourable view, the share of Virginia, determined by federal numbers, would amount to about three hundred thousand dollars per annum.

Your committee will not dilate upon the importance of so large an annual addition to the receipts into her treasury, in enabling her, less onerously to the people, to maintain her credit, develop her resources, and prosecute her so much needed lines of interior intercommunication. It is, perhaps, sufficient to say that the relief which would be afforded by such a sum, in the sensible diminution of the taxes otherwise necessary to defray the expenses of government, and pay the interest of its debt, would be felt by every citizen of the commonwealth, and would liberate, besides, that large amount to aid in sustaining the general industry.

Of the United States, to whom we yielded so much, we demand the inconsiderable portion reserved by the terms of the surrender. Out of our abundance we gave, and with no sparing hand. We do not repent or regret the step—though we may find unthankfulness, where gratitude might rather have been expected—though our just claims may be resisted where we might rather have looked for the eager acknowledgment of them—even though despoiled by cupidity or ambition of that remnant of benefit our fathers sought to secure to themselves and their posterity—yet would we continue to exult in the great and glorious results of their magnanimous and liberal policy, and contemplate with a proud satisfaction, the free, enterprising and flourishing communities spread, and still extending, over our southern and western territories. Against them, under no circumstances that can arise, would we invoke the curse of sterility—nor, if we might, by a word, draw down blight upon their prosperity. What we demand, is our own, by a title as high, as meritorious and as sacred, as any known among men—one which the United States is bound to recognize "by ties as strong as were ever yet devised to secure the faith of nations"—and one which this state, in a more particular manner, owes it to its citizens to vindicate and maintain.

We do not approach the federal government, as some would have it appear, as suitors for favour. We spurn the derogatory supposition. We view, in like manner, with the scorn it merits, the equally unfounded and injurious ascription to the demand we are asserting, of sordid and mercenary motives. Founded as that demand is in the highest justice, and recommended to be enforced by the wants of the state, and by the duty which every government owes to the welfare of its citizens, the attempt to characterize it as sordid, is a mere perversion of all truth and candour—and is not entitled to the more consideration that the suggestion may itself spring from motives not wholly free from some taint of cupidity, or be used yet more unrighteously, as a veil to conceal the designs of a selfish and unscrupulous ambition. It will not avail to divert this commonwealth from the discharge of a sacred duty.

Virginia owes it to her highest interests—to the maintenance of her credit—to the advancement of her prosperity—to the resuscitation of her languishing industry—to the development of her mineral wealth—to the completion of her great lines of improvement—to the cause of education—to all that contributes to the power and prosperity of a commonwealth, and the happiness of a people, to assert, as she now does, her incontestible claim to that small share she thought proper to reserve, for her own use and benefit, out of the empire she gave away.

Your committee recommend the adoption of the following resolutions:

1. *Resolved*, That the public lands held by the United States belong in common to all the states, and that each and all are entitled to participate in the benefits derivable therefrom.

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2. *Resolved*, That all the lands ceded to the United States by the state of Virginia, except those reserved by the deed of cession for certain enumerated purposes, were ceded, "in trust, for the use and benefit of such of the United States, as had become, at the date of the cession, or should thereafter become, members of the confederation, or federal alliance, of the said states, (Virginia inclusive) according to their several respective proportions of the general charge and expenditure, to be faithfully and *bona fide* disposed of, for that purpose, and for no other use or purpose whatsoever"—that the United States by accepting the trust, took it subject to those conditions—that those conditions have been in no wise released, or altered by any act of this commonwealth, but remain in unimpaired force and validity—and that any disposition of the said lands not in conformity thereto, would involve on the part of the United States, towards this state, a breach of faith, and a violation of the most solemn engagements.

3. *Resolved*, That the lands which were ceded by the several states to the United States, were ceded in trust for the common benefit of all the states; and this general assembly doth earnestly urge upon congress, the speedy adoption of some just and equitable plan for the distribution of the nett proceeds of the sales thereof among the states.

4. *Resolved*, That the lands acquired by the United States, by purchase, are held in trust for the common benefit of all the states, and this general assembly doth declare the opinion, that the most just and equitable plan for disposing of the nett proceeds of the sales thereof, is by distributing the same in just proportions among all the states.

5. *Resolved nevertheless*, That by the foregoing resolutions, urging the distribution of the proceeds of the sales of the public lands, this general assembly doth not mean, in any event, to infringe or disturb the principles of the act of congress, passed on the 2d March 1833, commonly called the Compromise act, but, on the contrary, it hereby declares, and resolves, that the same should be held sacred and inviolate.

6. *Resolved*, That whilst this general assembly views with becoming pride, the rapid growth of the new states, and would do nothing to check their advance in wealth and power, it cannot but consider the measures for graduating or reducing the price of the public lands, and other kindred propositions presented to congress, as calculated to unsettle the conditions on which the public lands were acquired by the United States, and greatly to impair the equality of benefits arising from the same, in which Virginia, in common with all the states, is justly entitled to participate.

7. *Resolved*, That congress has no right to delegate the trust solemnly reposed in, and accepted by the United States, as contemplated in the bill now pending before congress, without the assent first obtained of the states that created the trust—that such delegation would be in violation of the understanding on which the trust was created—an unwarrantable aggression of the rights of the granting states—and calculated to foment collisions and dissensions between the United States and the new states, threatening, in the result, the peace, harmony and stability of the Union.

8. *Resolved*, That the governor of this commonwealth transmit the foregoing report and resolutions to each of the senators and representatives in congress from this state, with a request, that the same be laid before the two houses of congress.

9. *Resolved*, That the governor be requested to communicate a copy of said preamble and resolutions, to the executive of each state in this Union, with a request to submit the same to their respective legislatures.

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[DOC. No. 56.]

CHESAPEAKE AND OHIO CANAL COMPANY.

SECOND AUDITOR'S OFFICE,
FEBRUARY 4, 1840.

SIR,

By direction of the Board of public works I herewith transmit to the house of delegates a communication from the secretary of the Chesapeake and Ohio canal company, containing the information desired by the house in relation to certain locks required to be constructed by said company by the act directing a subscription thereto on the part of this state.

I have the honour to be,
Your obedient servant,

J. BROWN, JR.
Second Auditor.

The honourable the Speaker of the House of Delegates.

OFFICE OF THE CHESAPEAKE AND OHIO CANAL COMPANY, WASHINGTON, January 31, 1840.

J. BROWN Jr., *Second Auditor.*

SIR,

I received your letter of the fifteenth in due time but have been prevented by unavoidable circumstances from giving you the desired information before the present time.

Locks connecting the canal with the river have been constructed at three of the four points designated in the act of February 1833, viz: opposite to the mouth of Goose creek, opposite to Shepherdstown, and at a point about two miles below the mouth of the Opequon.

No locks have yet been constructed at the base of the Ketocton mountain.

Upon examination it was found that such boats as usually navigate the canal could not navigate the river at that point at any time except during a freshet, and at such times there is nothing to prevent boats from descending the river to the locks now constructed at Goose creek. There is no navigable stream running from Virginia into the Potomac between Goose creek and the Shenandoah, and at the latter place a perfect connexion has been formed with the canal by the erection of an outlet lock. It is therefore only the trade which reaches the Potomac between Goose creek and the Shenandoah *by land carriage* which could possibly enter the canal through the proposed locks if constructed.

There is no feeder to the canal between Seneca and Harper's Ferry, a distance of forty miles, and it was found that the water which would necessarily be wasted at an outlet lock if constructed as required, in addition to that now wasted at the lock at Goose creek would much increase the already rapid current in the canal above that point.

Under all these circumstances it has been suggested that the money necessary for the construction of locks at the Ketocton mountain could be more advantageously applied towards the erection of a bridge across the Potomac, by the means of which the same produce or much of it could reach the canal, while the bridge would in other respects prove to be of great public advantage. A memorial has been presented I believe to the legislature of Virginia from the people residing near the river, asking that the canal company may be permitted thus to change the application of the money.

The act of 9th April 1839, which you have enclosed authorizes a change of the location of the locks, but I believe that all the objections which have been urged against the point first designated will apply with equal force to any point embraced by the latter act.

Respectfully,
Your obed't serv't,

JOHN P. INGLE,
Cl'k C. & O. Co.

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[DOC. No. 57.]

Mr. BAYLY,

FROM THE SELECT COMMITTEE ON THE GOVERNOR'S MESSAGE RELATIVE TO A DEMAND MADE BY THE EXECUTIVE OF THIS STATE UPON THE GOVERNOR OF NEW YORK, FOR THE SURRENDER OF

THREE FUGITIVES FROM JUSTICE,

MADE THE

FOLLOWING REPORT:

The committee to whom was referred so much of the governor's message and accompanying documents as relates to his demand upon the executive of New York for the surrender of three fugitives from justice, have had the same under consideration and agree to the following

REPORT:

In July last the executive of Virginia made a demand upon the governor of New York for the surrender of Peter Johnson, Edward Smith and Isaac Gansey attached to the schooner Robert Center *then* in New York, who were duly charged by affidavit regularly made before Miles King, mayor and justice of the peace for Norfolk, with having feloniously stolen and taken from John G. Colley a certain negro slave Isaac the property of said Colley. The governor of New York refused to comply with the demand, and assigned as his reasons for the refusal, that the right to demand and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged are recognized by the universal law of all civilized countries; that the object of the provision in the constitution of the United States relative to the demand of fugitives from justice was to recognize and establish this principle in the mutual relations of the states as independent, equal and sovereign communities; that the provision applies only to those acts which, if committed within the jurisdiction of the state in which the person accused is found, would be treasonable, felonious or criminal by the laws of that state; that no law of New York at this time recognized, no statute admitted, that one man could be the property of another, or that one man could be stolen from another; and that consequently the laws of this state making the stealing of a slave felony did not constitute a crime within the meaning of the constitution.

Your committee have bestowed upon each of these propositions the reflection which their importance demanded; and that reflection has brought them to very different conclusions from those arrived at by the governor of New York.

A citizen of one nation is permitted to enter the territory of another upon the tacit condition that he shall not violate her laws. If he does violate them he may be punished according to those laws, if apprehended while he is within their jurisdiction. If he escape and take refuge in his own country or any other state he may be demanded as a fugitive from justice.

Whether such demand ought to be made, and if made should be complied with, is a matter to be judged of by the respective authorities making and upon whom the demand is made, each for itself. The lesser offences are usually connived at, and in such cases the state, whose laws have been violated, is satisfied when the offender has departed beyond its limits. So the state upon whom the demand is made may in some cases refuse to comply with it. Where the offence was of a trivial nature it might decline to comply; and in such case the demand if made would rarely be insisted on. When the offence was one created by tyrannical laws leading to oppression or persecution, or where the mode of trial was to be inhuman or inquisitorial, it would be under the most solemn obligation to refuse to comply. But the state in exercising its acknowledged right of judging for itself, would do it under the highest responsibility. If it exercised its right indiscreetly and refused impro-

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perly to surrender a criminal whose surrender had been demanded, it would become itself a participator in his guilt and give just cause of war. The cases in which fugitives from justice ought to be demanded by one power and surrendered by another, under the laws of nations, have never been specifically defined. It would be very difficult to define them; and it is perhaps better that each case should be judged of by its own circumstances.

But in the opinion of your committee, it is not necessary to pursue farther this branch of the subject. In their opinion, the case which they are considering does not arise under the law of nations, but under the constitution of the United States; and they cannot acquiesce in the proposition advanced by the governor of New York, that the provision of the constitution is but a recognition of the established principles of the law of nations. They entertain the opinion that that provision is an *extension*, and not merely a recognition of the principle of the law of nations. The only difficulty upon this point originates in a doubt whether the governor of New York has not restricted too much the principle regulating the conduct of independent nations in this particular. A distinguished jurist of his own state, in a solemn judicial decision has said: "It has been suggested that theft is not a felony of such an atrocious and mischievous nature as to fall within the usage of nations on this point. But the crimes which belong to this cognizance of the law of nations are not specifically defined; and those which strike deeply at the rights of property, and are inconsistent with the safety and harmony of commercial intercourse, come within the mischief to be prevented, and within the necessity as well as the equity of the remedy. If larceny may be committed, and the fugitive protected, why not compound larceny, as burglary and robbery, and why not forgery and arson? They are all equally invasions of the right of property, and incompatible with the ends of civil society. Considering the great and constant intercourse between this state and the provinces of *Canada*, and the entire facility of passing from one dominion to the other, it would be impossible for the inhabitants of the respective frontiers to live in security, or to maintain a friendly intercourse with each other, if thieves could escape with impunity merely by crossing the territorial line. The policy of the nations and the good sense of individuals, would equally condemn such a dangerous doctrine." (4 *Johnson's Ch. Reports*, 113.)

Your committee will not argue the proposition whether the governor of New York has not stated the principle of the law of nations, on this point, too broadly. But, in their opinion, it is certain that he has either stated it too broadly, or that he is wrong in supposing that the provision of the constitution relating to the surrender of fugitives from justice is but a recognition of the law of nations. Your committee will not, as they well might, insist that the governor of New York is wrong in both propositions; but they, with due deference, insist that he is clearly wrong in the last. That the 2d clause of the 2d section of the 4th article of the constitution of the U. States, is not a mere recognition, but an extension of the principle of the law of nations relating to the demand and surrender of fugitives from justice, is equally clear, in the opinion of your committee, whether we refer to the letter or the spirit of that section.

There was great reason for restricting by the law of nations as much as possible the class of cases where one state might demand and another would be required to surrender fugitives from justice. In every country of Europe the criminal laws have been rude and imperfect. This may be said whether we judge of them from their conformity to truth and justice, the feelings of humanity and the rights of mankind, or by comparing them with the civil jurisprudence of the same countries. The inhumanity and mistaken policy of most of these codes need not be pointed out. With some of them suspicion was the evidence, and the rack the mode of trial. There was, therefore, great reason for caution on the part of every nation, lest its citizens might be dragged abroad to be tried by foreigners, in modes of trial to which they were unaccustomed, for imaginary or arbitrary offences. But when our constitution was adopted there was no reason for any such caution with regard to the rights and duties, in this particular, of the several states composing this confederacy. In each of them, even before the adoption of the constitution, crimes were accurately defined, and penalties were neither arbitrary nor uncertain; all accusations were public; trials were in the face of the world; torture was unknown, and every delinquent was judged of by his peers, against whom he could form no exception even of personal dislike. That constitution was adopted by those states in order to form a more perfect union; to establish justice; ensure domestic tranquillity; provide for the common defence, and promote the general welfare. And by its provisions, which are the supreme law of the land, it guarantees to every state in the union a republican form of government. It provides that the trial of all crimes, except in cases of impeachment, shall be by jury; that *such trial shall be in the state where the crime was committed;* that no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; that no person shall be subject, for the same offence, to be twice put in jeopardy of his life or limb, nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; that excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

In a constitution formed under such circumstances, with such objects, and containing such provisions, one would not expect to find a clause specifying the cases where the demand of a fugitive from justice might be made by one state upon another, which could only be justified by a doubt of the justice, humanity and clemency of the different parties to it. On the contrary, one would look in such a clause for an expression of the greatest confidence, by each of the states as parties, in all the rest in these particulars. Nor can your

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committee believe that a clause in such a constitution, securing to one state the most unlimited right to demand, and imposing upon another the most unqualified duty to surrender fugitives from justice, would impair the security of civil liberty. And such a clause your committee believes the 2nd section of the 4th article to be. The second paragraph of that section is in these words: "A person charged in any state with *treason, felony or other crime*, who shall flee from justice and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime." The words treason, felony and crime are common law terms. The common law was the law of the land in each of the states which were parties to the constitution, and the terms of it were familiar to its framers. They must, therefore, be taken to have been used in their common law sense. Your committee will not stop to enquire into the meaning of the terms treason and felony in the constitution; they will confine such enquiry to the word crime, that being the most comprehensive term used. Blackstone defines *a crime* thus: "A crime or misdemeanour is an act committed or omitted in violation of the public law either forbidding or commanding it." He goes on to say: "This general definition comprehends both crimes and misdemeanours, which properly speaking, are mere synonymous terms." Misdemeanour is generally used in contradistinction to felony, and misdemeanours comprehend all indictable offences which do not amount to felony, as perjury, libels, &c.

Your committee flatters itself that it has shewn already that the 2d section of the 4th article of the constitution of the U. States is not a mere recognition of the principle of the law of nations, regulating the right to demand by one nation and the duty to surrender by another, fugitives from justice; but that that clause is much more comprehensive, and was designed as between the states of this Union, to provide a more perfect remedy than was afforded by the law of nations.

But if a further argument was necessary to enforce this view of the subject, it might be derived from the 1st paragraph of this very 2d section of the 4th article. That paragraph is in these words: "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." The first paragraph of this section secures to the citizens of each state all the privileges and immunities of citizens in the several states; and the second paragraph but enforces correlative obligations and duties. Thus are the privileges and obligations of the citizen made reciprocal. The citizen of one state, while he is within the jurisdiction of another, is entitled to all the immunities of a citizen of that state; but if he violate her laws, he is subject to the same punishment.

If any doubt should still exist as to the correctness of this position, it would be removed, in the opinion of your committee, by the proceedings of the convention which framed the constitution, in relation to this clause.

"The original articles of confederation contained a clause in the following words:

"'If any person guilty of, or charged with treason, felony, or other high misdemeanour in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the government or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.'

"In the convention of 1787, the committee to whom were referred the proceedings of the convention, for the purpose of reporting a constitution, reported a draft, in which the fifteenth article was as follows:

"'Any person charged with treason, felony, or high misdemeanour in any state, who shall flee from justice and shall be found in any other state, shall, on demand of the executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of the offence.'

"When the draft was before the convention, on the 28th of August, 1787, it was moved to strike out the words, 'high misdemeanour,' and insert the words, 'other crime;' which motion passed in the affirmative."

And your committee will add that there has been a late decision in New York sustaining this view.

In the matter of Clark, (9 *Wendell*, 212,) the then governor of New York and the chief justice of the state, in conformity with these views, both decided, that a person who was charged with a misdemeanour only, in one state, and had fled into another, ought to be delivered up upon the demand of the executive of the state within which the offence was alleged to be committed. And the misdemeanour charged in that instance, was not one which was recognized as such by the universal law of all civilized countries, but at common law amounted only to a breach of trust. This decision was made after the most elaborate argument and investigation.

The 2d section of the 4th article of the constitution as thus construed, is just such a provision as the convenient administration of justice demanded. Each state having confidence in the justice and clemency of the others, nothing forbade, and convenience required, that an offender who had committed a crime in one state, no matter where found, should be removed to that state for trial. Most likely, there would be found the evidence of his guilt; there the laws which he had violated would be best understood, and most perfectly administered; and above all, the character of his accusers more properly appreciated.

In the opinion of your committee the next position assumed by the governor of New York is as untenable as the first, to wit: That the second section of the fourth article applies only to those acts which, if committed within the jurisdiction of the state in which the person accused is found, would be treasonable, felonious, or criminal by the laws of that state. If the construction contended for by the governor of New York be the proper one, then the provision in the constitution was unnecessary. "The jurisdiction of every sovereign state extends

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to the whole of its territory and to its own citizens in every part of the world. The laws of a nation are rightfully obligatory on its own citizens in every situation where these laws are really extended to them. The principle is founded on the nature of civil union. It is supported every where by public opinion, and is recognized by the writers on the law of nations. Rutherforth in his second volume (page 180) says: "The jurisdiction which a civil society has over the persons of its members affects them immediately, whether they are in their territories or not." (*Chief Justice Marshall's speech in the case of Jonathan Robins.*) If the provision, securing the right to demand a fugitive from justice, was only to operate where the laws of New York were violated, then it was superfluous, as New York might enact a law providing for his punishment if apprehended within her territory, no matter where the offence was committed. And in accordance with this principle the legislature of that state has enacted a statute punishing offences committed by its citizens without her territory. (2 *R. S.* 698, § 4.) That the clause was not designed to provide only for the case of a citizen of one state taking refuge in any other state than the one of which he was a citizen, is admitted by the governor of New York himself. "It has long been conceded," he says, "that the citizens of the state upon which the requisition is made are liable to be surrendered as well as citizens of the state making the demand."

The correctness of the position taken by your committee is sustained also by a solemn judicial decision of New York. In the matter of Clark, chief justice Savage declares: "With the comity of nations we have at present nothing to do, unless perhaps to infer from it that the framers of the constitution and laws intended to provide a more perfect remedy; *one which should reach every offence criminally cognizable by the laws of any of the states;* the language is treason, felony or other crime; the word crime is synonymous with misdemeanour, and includes every offence below felony punished by indictment as an offence against the public."

But admit that your committee is wrong in this; restrict the clause as much as is contended for; admit that a former governor of New York was wrong; that the chief justice of that state was wrong, and that the present governor is right—admit all this, and your committee humbly submits, that the answer of the lieutenant governor of Virginia to the governor of New York, on this head, is conclusive. He says: "Is it true that the offence committed by Peter Johnson, Edward Smith and Isaac Gansey is not recognized as criminal by the universal law of all civilized countries? They are charged with *feloniously stealing* from John G. Colley, a citizen of this state, property which could not have been worth less than six or seven hundred dollars. And I understand stealing to be recognized as a crime by all laws human and divine." To this the governor of New York replies: "It is freely admitted that the argument would be at an end if it were as clear that one human being may be the property of another, as it is that stealing is a crime. On the contrary, however, I must insist, with perfect respect, that the general principle of civilized communities is in harmony with that which prevails in this state, that men are not the subject of property, and of course that no such crime can exist in countries where that principle prevails, as the felonious stealing of a human being considered as property."

The governor of New York thus resolves the whole controversy into the question whether slavery can legally exist; and whether slaves are to be regarded as property by the northern states of this confederacy, in their intercourse with the southern. In this view of the subject it assumes a consequence which it would not otherwise possess, and which demands of the general assembly that it should speak in a manner that cannot be misunderstood.

That one human being may be the property of another, and that laws making him such have been recognized by the universal consent of all civilized nations, is a proposition which cannot be denied. Your committee does not recollect a solitary civilized nation of modern times which has not, within the nineteenth century, recognized slaves as property. Not to swell this report by an enumeration of other instances, your committee will refer to the case of Great Britain—a nation more fastidious, and your committee might add, more fanatical upon this subject than any of the other nations of the earth. It has only been within a few years that she has abolished slavery within her own jurisdiction; and in a late treaty with this country she recognized them as property in the most emphatic manner, by making pecuniary satisfaction to the owners of such as were abducted by her forces during the late war. But what is still more to the purpose, every state in the Union except Massachusetts, at the time of the adoption of the constitution, tolerated slavery, and admitted that one man could be the property of another. Indeed it has only been within a few years that New York has abolished slavery within her own limits. Until that time, even by her own laws, one man might be the property of another. The states not only in their separate individual capacity recognized property in slaves, but in the most solemn manner, in their collective capacity, in the adoption of the federal constitution, did they declare that recognition. That constitution not only recognizes slavery, but it guarantees and protects the master's right of property in his slave. In proof of this your committee need only refer to the third paragraph of the 2d section of the 4th article of the constitution. But for that clause a slave who should escape from his master into a free state would become free and could not be reclaimed. Considering the facility of escape from many of the slave states to the so called free states, this provision was a most efficient protection to us in the enjoyment of our property. But your committee will not further press this view of the subject, as it is already familiar to the public mind.

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It has been shewn that at the adoption of the constitution slavery existed in every state which was a party to it except one. It was recognized and guaranteed by that constitution itself, which was the act of all the states. Is it competent for one party, by abolishing slavery thereafter within her own jurisdiction, so to affect it in other states as to destroy it as a subject of theft, and thereby, without the consent of the other parties, change her duties under the constitution. Surely one party cannot directly or indirectly vary or impair the compact without the consent of the other. Had this question arisen shortly after the adoption of the constitution, even upon the principles of the governor of New York, there could have been no difficulty as to his duties. Then slaves were property in New York; and the governor says that if one man could be the property of another, and thus become the subject of theft, the argument is at an end. Was it competent for New York by any act of her own, without the consent of the other parties, to modify or change her duties under the compact, and to relieve herself from the discharge of those duties under which she was acknowledgedly placed by its provisions at the time of its adoption? Can such a proposition be insisted on?

In this connexion it is proper to enquire what laws existed in Virginia, in relation to the stealing of slaves, at the adoption of the federal constitution. The same laws which are now in force in Virginia were in force then. Our statute contains two provisions upon this subject. The first is in these words: "If any person or persons shall hereafter be guilty of stealing any negro or mulatto slave whatever, and be thereof lawfully convicted, whether the said slave or slaves so stolen shall have been taken out of or from the actual or immediate possession of the owner or owners of such slave or slaves, or shall have been elsewhere found, he or they shall be adjudged guilty of felony, and shall undergo a confinement in the penitentiary for a period not less than three nor more than eight years." (1. *R. C. page* 427.) The other provision of our statute is in these words: "Whosoever shall hereafter carry or cause to be carried, any slave or slaves out of this commonwealth, or shall carry or cause to be carried, any slave or slaves out of any county or corporation within this commonwealth, into any other county or corporation within the same, without the consent of the owner or owners of such slave or slaves, or of the guardian of such owner or owners, if he, she or they be a minor or minors, and with the intention to defraud or deprive such owner or owners of such slave or slaves, shall be adjudged guilty of felony, and subject to prosecution as in other cases of felony, and upon conviction thereof shall be punished by fine not less than one hundred nor more than five hundred dollars, and shall also be imprisoned in the jail or penitentiary house for a period not less than two nor more than four years; which fine and imprisonment shall be fixed and ascertained by a jury." In the next section of the act, it is further enacted, "That not only all those who shall willingly and designedly carry away slaves as aforesaid, but all masters of vessels who having a slave or slaves on board their vessel, shall sail beyond the limits of any county with such slave or slaves on board, shall be considered as carrying off or removing such slave or slaves, within the true intent and meaning of this act." (1 *R. C.* 428.) This statute was passed as early as 1753; and the only change which has been made in it consists in the substitution in 1799, of confinement in the penitentiary, in place of "death without benefit of clergy" as the punishment for the felony created by it. Let it not be said that these laws are harsh. They are less sanguinary than they were at the adoption of the constitution. But if they be so, citizens of other states need not come unless they choose, into Virginia; and if they do they need not violate her laws and incur their penalties.

Thus stood the matter at the adoption of the federal constitution. Did Virginia and the other southern states understand that the northern states, by abolishing slavery within their limits, would take the felony of stealing a slave out of the operation of the 2nd section of the 4th article of the constitution? If they had so understood it, would they have agreed to the adoption of the constitution?

If there was one feeling, more than any other, which marked the conduct of southern men at the time of the adoption of the federal constitution, it was extreme jealousy and distrust of the northern and eastern sections of this union on the subject of slavery. The proceedings of each of the conventions, south of the Potomac, which adopted the constitution, demonstrate this too clearly for doubt. All must admit, that no constitution would have been acceded to by a solitary southern state, which did not contain the amplest guarantee of property in slaves. The caution which our southern statesmen manifested, on this subject, was set down, at the time, to the score of idle fears and ungenerous jealousy. But among the numerous instances in which they discovered a sagacity and wisdom almost more than human, not one was more remarkable than this. With a sagacity which partook of prescience, they descried the dangers with which we are at present environed, and they provided against them by provisions in the constitution itself, as far as they could be relied upon, and by a reservation of all the means of protection which unimpaired sovereignty can afford when these should prove ineffectual.

The southern states demanded that a clause should be inserted in the constitution, providing for the capture of fugitive slaves. Could men who required a provision of that sort, have been guilty of the inconsistency and absurdity of agreeing to a constitution under which any one of the distrusted states could produce a condition of things in which, although there would be an obligation to send back to his bondage, the slave who had fled from his master to gain his liberty, yet the felon who should steal him from this very master, might go acquit? Such fatuity might be looked for in madmen, but not in a body of statesmen, unequalled in the history of the world for their cautious wisdom.

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In the opinion of your committee, if the construction contended for by the governor of New York, was justified by the letter of the constitution, (as it clearly is not,) it would yet be a palpable violation of its spirit, and render that constitution *a fraud* upon a portion of the parties to it.

The positions of the governor of New York, when carried to their legitimate results, lead to consequences of a most frightful character, and which, as it seems to your committee, could not have been duly weighed by him. The governor of New York says, it is no offence to steal a slave, because one man cannot be the property of another, and cannot, therefore, be the subject of theft. If, for these reasons, it be no offence to steal a slave and carry him to New York, it would be none to steal him and carry him to Louisiana. Surely, in such a case, it would make no difference whether the thief steered north or south after committing his robbery. The consequence is, if a citizen of New York were to come into this state, inveigle a cargo of our slaves on board his vessel, under the pretext that he meant to take them to some "land of liberty," and should carry them to Louisiana and sell them in the New Orleans market, and should thereafter take refuge in New York, he would be free from arrest, and could not be made to expiate his crime. And without wishing to make any unjustifiable attack upon the citizens of any state of this union, your committee would be wanting in candour, if they expressed a doubt that such a case, if the course of the governor of New York should be persevered in, would be of probable and frequent occurrence. There are bad men in every country who will commit offences when they can profit by it, and do it with impunity. But what is still more probable, (if the course of the governor of New York be acquiesced in,) is, that those deluded enthusiasts at the north, who, in pursuit of something they know not what, are spending thousands and thousands in efforts which they must see, if they be not blinder than any one, except a fanatic, ever yet was, can never accomplish their object, will attempt to make those efforts practically efficient, by coming into our state and making it a labour of *virtue* to *steal* our slaves and convey them to a more galling bondage than they now suffer, in the northern states.

Suppose one of those northern fanatics, who believing that the shedding of the blood of the wives and children and so them slaveholders would be but an acceptable offering in the eyes of God, should come among us, and after inciting our slaves to insurrection, and aiding and abetting them in it, should escape into N. York, consistency would compel the governor of N. York to refuse to deliver him up for trial and punishment. He would say one man cannot be the property of another. These negroes therefore were held in illegal bondage, and the person who aided them in their effort to throw it off only performed a meritorious action.

Your committee do not wish by these remarks to excite idle fears. This general assembly do not represent a timid people. But the abhorrent consequences flowing from the positions of the governor of N. York, if carried to their legitimate results, tend to demonstrate the unsoundness of those positions themselves.

The most painful circumstance attending this controversy with a sister state, originates in the conviction which forces itself upon the mind of your committee, that the executive of N. York has taken his extraordinary course, either under the influence of the fanatical feelings of the northern abolitionists, or with a view of conciliating those enemies of the domestic tranquillity of this country. The distinctions of the governor of N. York are impracticable, and will rarely be applicable to any other case than one similar to that under consideration. The common law of England is the law in every state of the Union except one. The statutory crimes and felonies, in them all, are very nearly of the same character. There is scarcely an article, except slaves, which is property in one state, that is not property, and the subject of theft, in all. The untenable distinction therefore of the executive of N. York, seems to have been taken with a single view of protecting the depredators upon our slave property; a species of property to which we adhere with a stronger tenacity than such as originates only in a calculation of its value.

Your committee lament the course of the executive of N. York, and they trust that it will not be persevered in. They lament it not more on account of the interests of this state, than of N. York. They lament it because it brings the existence of this Union into jeopardy.

It is the pride and glory of our country to be an asylum for the persecuted and oppressed of every nation and every clime. But should any state of this Union erect herself into a place of refuge for the thieves and robbers who might escape from the offended justice of any of her sister states, she would sully that glory and render herself unworthy of that sisterhood which should be her pride. And the country may rest assured that in such an event Virginia will take proper measures to extricate herself from such an unholy alliance!

Your committee now approach the only part of their duty, the discharge of which has given them any difficulty. What is the proper remedy in this case? The means of redress and protection which are within the reach of Virginia are ample. The only difficulty which your committee has had has been in selecting one consistent with the relations imposed upon the members of this confederacy by the constitution. A variety of remedies have been proposed:

1st. An appeal to the supreme court of the United States.

2nd. An appeal to the congress of the United States so to amend the statutes heretofore passed upon that subject, as to authorize the demand in the cases contemplated to be made upon the circuit judge of the United States, having jurisdiction in the state where the fugitive may be found.

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3rd. The appointment of inspectors to inspect all vessels trading to the north, to see that no slaves are secreted.

4th. The requirement from all citizens of N. York coming into Virginia, security for their good behaviour.

5th. A solemn appeal to New York herself to redress our wrong and to do us justice.

There are objections to all of these remedies, but something to recommend most of them.

1st. An appeal to the supreme court, in the opinion of your committee, is entirely out of the question.

In the first place, in the opinion of your committee, the supreme court has no jurisdiction. The case is in the nature of a national demand made by one state upon another; and not such a "*case in law and equity*" as comes within the provision of the constitution. There is nothing of "*meum et tuum*" involved in the controversy. The question cannot conveniently "assume a legal form for forensic litigation and judicial decision." "By extending the judicial power to all *cases in law and equity*, the constitution has never been understood to confer on that department any political power whatever." (*Chief Justice Marshall.*) Besides this the remedy would be ineffectual. If successful in this case even, it would afford no protection for the future. But would it be successful in this case? Your committee cannot express the belief that it would. As a mere judicial opinion of the duties of the executive of New York, most probably it would be unheeded. We have seen the governor of New York disregarding the decisions of the supreme court of his own state; and it is not probable that he would shew a greater deference for the decision of the federal judiciary. Besides, how could the judgment of the court be enforced? Your committee cannot recommend any course which might and probably would bring the authorities of the federal government and of the states into collision. But above all, the wish of Virginia is that New York should herself, freely and magnanimously do us justice. We would prize but little that justice which she should be forced reluctantly to yield us.

2d. To the second remedy proposed, your committee has also decided objections, and it cannot withhold the expression of its regret that Georgia, with whom Virginia will make common cause, should recommend it.

In the first place, the surrender of a fugitive from justice is properly an executive duty. The executive is at the head of the civil and military authority. It holds and directs the force of the state. When therefore a surrender is to be made the executive can best discharge the duty. Besides, it being at the head of the state, it is especially its province to determine in what cases a citizen is to be delivered up to be removed to another state for trial. If any change of the law is to take place upon this subject, it must be a general one; and your committee is averse to a change by which the decision of the question whether the citizen of a state shall be surrendered as a fugitive from justice, shall be transferred from the chief civil and military officer of the state to the federal judiciary. In a case involving the liberty of the citizen, the supreme authority *of the state* is the proper tribunal for its decision. In addition to this it might be urged with much force, that the provision of the constitution itself contemplated that the duty of surrendering a fugitive from justice should be discharged by the executive of the state to which he had fled. It is true the provision is silent as to the tribunal upon which the demand is made; but it provides that the fugitive is to be delivered up "on the demand of the executive authority of the state from which he fled;" and the inference is strong that the clause contemplates that the demand is not only to be made by the executive of the state from which the fugitive had fled, but to be made upon the executive of the state in which he had taken refuge. There was as great or greater reason for requiring that the demand should be made upon, as by, the executive. And the act of congress passed shortly after the adoption of the constitution is in accordance with this view.

Besides, the change proposed would add another to the list of cases, already too long, in which the state and federal authorities may come into collision. There may be cases, where no state would permit a citizen to be surrendered, as a fugitive from justice, by the federal judiciary. And in some of them, resistance would be interposed, when it would never have been thought of if the surrender had been ordered by the state authority. And in the opinion of your committee, no practical result would be produced by such a change; for in all exciting cases the state courts will be called upon in any event to adjudge the case finally.

But above all, your committee is averse to sending this subject into congress, and thus giving the abolitionists the long-wished for opportunity of denouncing our most cherished institution in the legislature of the nation, and of franking their incendiary effusions to the four quarters of the Union. We have always denied that slavery was a fit subject of congressional discussion, and your committee cannot recommend any course which will bring that subject into debate there. And your committee is strengthened in this view by witnessing the exultation which the abolitionists manifest at the prospect of this subject being introduced by ourselves in this form.

3d. The proposition to appoint inspectors. This has much to recommend it. In the first place, the remedy is specific to the wrong. It is clear of all constitutional difficulty. The principle upon which such a law would be founded has been frequently recognized. In point of time first in the recognition of the validity of quarantine regulations, and last in the law punishing the transmission of incendiary publications by mail. But it is liable to objections. To bring it, perhaps, within the constitution, it would have to be general. In such an event the law, which would be harassing and vexatious, would operate equally upon those who had

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wronged us, and those who had not. Besides, it would be difficult to enforce it in an effectual manner. A vessel might be inspected one hour, and the next take a slave on board and be off. This would be the case particularly in the navigation of our long rivers.

4th. The requirement of security for good behaviour from the citizens of New York. This would be perfectly just in itself, and might produce desirable results. But your committee will not recommend it at this time, as it is liable to many objections. In the first place its constitutionality might be questioned. Although it is true, that the constitution is a compact between the states; and although it is also true, that when such a compact is broken by one party, it ceases to be binding on the rest, yet we ought not *now* to take this ground—we may be driven to it in the end. But your committee will not take it for granted that New York will persevere in her unconstitutional course. Let us give her every opportunity to retrace her steps, and not render an amicable adjustment of our difficulties impossible, by acting as if we considered the constitution no longer binding upon us, because it had been broken by her.

5th. A solemn appeal to New York to review her course and render us justice. The objection to this is, that New York having in one instance, at least, before this, failed to discharge her duties as a member of this Union, in taking effectual means to protect us from the attacks of her citizens upon our domestic institutions, in a manner to meet our just expectations, has deprived herself of the right to be met in the amicable spirit which this course would indicate. But the governor of New York, in his late annual message, has brought this whole subject to the attention of the legislature of that state; and your committee is unwilling to believe, that the state, in its sovereign capacity, will sanction the course of her executive.

It is true, that the governor of New York takes the ground, that the subject is one that appertains to the executive department. He says: "The duties of that department, in such cases, are prescribed by the constitution of the United States, and not by the constitution and laws of New York." Nevertheless, as he has brought the matter to the attention of the legislature, and expressed a deference for it, the probability is, that he would acquiesce in any disposition which it should make of the subject. And your committee is fortified in this opinion, by the fact that the governor of New York, in his correspondence with the executive of this state, declared "that as an executive officer of that state, he was bound to regard, with very great deference, and the argument must be conclusive, which should prevail with him, to act in opposition to a legislative exposition of his duties."

Your committee will not discuss the question whether this is a matter about which the state legislatures can act at all. There are many difficult questions involved in it which need not be solved. It may be insisted, that this is a question, arising under the constitution of the United States, with which the state legislatures have nothing to do. On the other hand, it may be contended, that the state legislatures possess *the exclusive* right to legislate upon this subject, and that the provision of the constitution merely imposes a duty upon the states, but vests *no power* in the federal government, or any department of it, except the *judicial* power of declaring and enforcing the rights secured by the constitution. The third ground might be taken, that the power of legislation was concurrent in congress and the state legislatures. Your committee will not undertake to decide these questions; but it cannot bring itself to doubt but that the state legislature may act in a manner, not contravening the constitution and laws of the United States, to bind the executive of the state.

Let it not be said that by conceding the right of the state government to legislate upon the subject, we concede a power which may be exercised in a manner to impair our rights under the constitution and laws of the U. States. It does not follow that because the state legislatures may co-operate in securing our rights under the constitution and laws of the U. States, it may legislate in derogation of them.

For these reasons, your committee are disposed to await the action of the legislature of New York; and they are the more disposed to this course, as there is no occasion for haste. The slave which was stolen in this instance has been recovered. No private justice is delayed. Nothing is involved in the controversy but a principle; an important one it is true, but one which will not be jeoparded by the delay proposed. In the mean time your committee recommends that the executive of this state be requested to renew his correspondence with the governor of New York; to apprise him of the importance we attach to the subject; to communicate our proceedings to him, and respectfully request that he will bring those proceedings to the attention of the legislature of his state.

The subject which your committee have had under consideration is one in which the whole of the slave-holding states are equally interested with Virginia. Your committee therefore recommend that the governor of this state be requested to open a correspondence with the executive of each of these states, informing them of the importance which Virginia attaches to this subject, communicating our proceedings in relation to it, and asking their co-operation in all proper measures of redress, which in the event that New York shall decline to do us justice, we may be called upon to adopt.

The people of Virginia have not witnessed the controversy, somewhat similar to this, in which Georgia is involved with Maine, without taking in it the deepest interest. Virginia is prepared to make common cause with Georgia, or any other slave-holding state, in a similar controversy.

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It is true that the grounds taken by the governor of Maine are much less exceptionable than those assumed by the executive of New York; but in the opinion of your committee not less untenable. Your committee will not extend this report to establish by argument a proposition, which has already been demonstrated by others, and which will not be controverted by any unprejudiced mind. But the very variety of indefensible expedients resorted to by the authorities of some of the northern states to avoid the discharge of their constitutional duties goes the more clearly to demonstrate the deep rooted hostility of those states to our domestic institutions, our peace and prosperity.

The patience of the south has already been too severely taxed, and we once for all, without bravado or threat, in the language of a distinguished senator of New York, warn the non-slave-holding states "that they may find when it is too late that the patience of the south, however well founded upon principle, from repeated aggressions will become exhausted."

Your committee do not apprehend that the cause of the moderation which they recommend will be misunderstood. We are too clearly right to be rash. Fortunately Virginia's character for chivalry is not so doubtful that she must be rash in order to seem to be firm.

Your committee cannot close this report without expressing in high terms its cordial approbation of the conduct of the executive of Virginia in relation to this controversy with New York.

Your committee recommend the adoption of the following resolutions:

1. *Resolved*, That the reasons assigned by the governor of New York for his refusal to surrender Peter Johnson, Edward Smith and Isaac Gansy as fugitives from justice, upon the demand of the executive of this state, are unsatisfactory; and that that refusal was a palpable and dangerous disregard on the part of the governor of New York, of his duties under the constitution and laws of the United States.

2. *Resolved*, That the course of the executive of New York cannot be acquiesced in, and if persisted in, will make it the solemn duty of Virginia to appeal from the cancelled obligation of the constitutional compact to her reserved rights.

3. *Resolved*, That the governor of this state be authorized and requested to renew his correspondence with the executive of New York, requesting that that functionary will review the grounds taken by him; and that he will urge the consideration of the subject upon the legislature of his state.

4. *Resolved*, That the governor of Virginia be requested to open a correspondence with the executive of each of the slave-holding states, requesting their co-operation in any necessary and proper measure of redress which Virginia may be forced to adopt.

5. *Resolved*, That the governor of Virginia be requested to forward copies of these proceedings to the executive of each state of this Union, with the request that they be laid before their respective legislatures.

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[DOC. No. 58.]

ANNUAL REPORT

OF THE

BOARD OF DIRECTORS

OF THE

LUNATIC ASYLUM IN THE CITY OF WILLIAMSBURG.

The board of directors for the lunatic hospital in the city of Williamsburg respectfully report to the general assembly of Virginia that the institution under their care has been conducted during the year 1839 in most particulars as heretofore.

The documents accompanying this report shew the condition of the hospital as to its fiscal concerns and as to the number of patients.

The paper marked A. presents an account rendered by the treasurer of the income and expenditure of the institution for the year 1839. By this it appears that the amount received by him from the state treasury was $14,635, and the expenditure to the 13th day of this month $11,680 18, leaving $2954 82, an unexpended balance in his hands, of which it is supposed that about the sum of $1000 will be required to meet demands yet outstanding. It thus appears that the balance remaining on hand at this time is considerably larger than that which was found to be on hand at the close of the last fiscal year. But it is not to be inferred that the appropriation made at the last session of the general assembly was more than in ordinary circumstances would have been found necessary. In consequence of the alterations which have been made in the building within the past year, it was found necessary to appropriate every apartment to the accommodation of the patients already in the hospital, so that in all that time no vacancies occurred, and consequently no new patients have been admitted. Hence no expense has been incurred on account of the charges attendant on the removal of patients to the hospital, and hence this unusual balance remains on hand. If the ordinary number of patients had been received, it will be seen that the unexpended balance would probably have been consumed by the expenses of their removal. This remark is made here, because the board are anxious to convince your honourable body that their estimates of the probable disbursements of each current year are duly considered. While desirous that the appropriation may be such as to enable the institution to meet all its engagements, they are careful not to abuse the confidence of the general assembly by asking for more than may be necessary. Had the improvements now nearly completed been perfected a few weeks earlier, a number of patients would have been received before this time whose expenses would have more than absorbed the balance now on hand. The necessity of guarding against this contingency made it proper to ask an appropriation last year, not less than would have been proper had there been no change in the building, and the experience of former years has shewn that the sum asked of your honourable body was about what would be necessary. It is to be remembered too, that two months are yet to pass before the annual appropriation can be received, and there can be little doubt that without any change in the condition of the institution, the debts now outstanding and the expenses to be incurred in those two months will leave very little of the present balance remaining on hand in the month of April. It is proper to add that the appropriation of the last year was $16,000, and that the sum of $14,635 above mentioned as having been received by the treasurer, is the nett amount remaining after deducting the account of the penitentiary store from the gross sum of $16,000. The attention of your honourable body is the more particularly called to this, because the additions to the institution, now almost completed, will call for estimates founded on the enlargement of the accommodations. Hence the importance of establishing as many *data* for these estimates as possible; and hence the board are desirous of shewing, what they themselves believe, that for the number

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of patients which the hospital was heretofore capable of accommodating, the sum of $16,000 was about that which experience has shown to be necessary and proper. The board, therefore, proceed to lay before your honourable body, such farther statement as may furnish the facts necessary to calculate the appropriation which may be necessary for the expenses of the year now commencing. As soon as the work on hand shall have been completed, sundry cells, from which the patients have been expelled, by the operations of the workmen, will be again habitable, and there will then be, seven vacancies in the old building to fill up. The estimate of the last year having been made with an eye to the occurrence of vacancies, which, for the reason above mentioned, have not occurred, it may be reasonable to suppose that of the unexpended balance now on hand enough may be left, after defraying all other charges, to pay the expenses of the patients who may be brought in to fill these vacancies. It remains to attempt a calculation of the amount which will probably be necessary to defray the expenses of those who may be brought to fill the new cells. There are 39 in number. The accompanying paper maked B, which is an *important* roster or register of applications now on file, (for since that was made out, four more applications have been received) will afford *data* from which these expenses may be calculated with tolerable accuracy. If we suppose the first 39 on that list, to be sent to the hospital, it is only necessary to add together the miles from the several courthouses of their respective counties to this place, and multiply the whole number by 56. The result will be about the amount of expense of transportation expressed in cents. The board of directors have not the data necessary to enable them to make this calculation, but an attempt has been made, by which they have arrived at the conviction that a sum not less than $3000, over and above what may be sufficient for the institution when filled up, and in regular and ordinary operation, will be necessary for the year now commencing. Assuming this calculation to be correct, we have then the following data for an estimate of the total expenses of the year. Experience having shown that $16,000 were necessary for the hospital when accommodating 95 patients, it will follow that $7340 will be necessary for the additional 39. These sums taken together and added to the sum of $3000 above mentioned, will make a total of $26,340, which it is respectfully submitted will be necessary for the year 1840. It will not escape the attention of the general assembly, that the number of new cells above mentioned is less than that contemplated at the time in our last report. In explanation of this, it is necessary to say, that the new cells, which it is proposed to appropriate to recent and hopeful cases, have been, by the advice of the attendant physician, made larger than was at first intended, and more space has been allowed for the accommodation of the patients, when assembled for meals or amusement. The board have no doubt that these changes of plan are such as would command the approbation of every intelligent visitor.

In proceeding to give a more particular acount of these improvements, it is proper to remind the general assembly, that by an act passed in 1838, an appropriation was made of $12,000, for an addition to the buildings of the hospital, and the farther sum of $5000 for a brick wall around the premises. The board having obtained information concerning the plan and structure of the building at Worcester, Massachusetts, and finding it practicable, by connecting the existing buildings by wings to effect a nearly exact imitation of that building, and to secure the principal advantages of the plan, determined to pursue that course as far as the appropriations would allow. With that view they resolved to dispense with the building of the proposed wall for the present, and to build upon the proposed plan, contracting absolutely for the execution of as much of it as these appropriations would pay for, and conditionally for the rest. The contract thus made was to the following effect:

1. To add a story to the centre building, and a wing of two stories high and ninety feet in length, connecting that with the building on the west, for the sum of $16,400.

2. To add a corresponding wing of the same size on the east for the sum of $12,100, whensoever the general assembly may make the necessary appropriation for that object.

The sum of $16,400 thus pledged leaves of the appropriation of $17,000 a balance of $600.

Since then it has been deemed necessary to dig an area on the north side of the new wing, so as to obtain the full benefit of the basement story, which will probably cost $200. Some alterations, each trifling in itself, in the execution of the work, all of which were deemed judicious, will require an additional sum of about $300; and a farther expense has been incurred upon the ceiling of the old building, which has been renewed, and for the necessary painting of the doors and windows. For these different objects the residuum of $600 will not be sufficient, and it is thought an addition of $400 will be necessary.

The document marked C, is a list of the patients in the hospital, showing those who have died or been discharged since the last report. By this it appears that there are now in the hospital 52 male, and 26 female patients, making an aggregate of 78, and that three have died and three have been discharged, and one has eloped since the last report.

Before quitting this subject the board think it proper to renew the suggestion made in their last report, of the expediency of an appropriation for the purpose of making a farther addition to the hospital, by building a wing corresponding with that recently added. They beg leave to refer to their last report for the reasons for this suggestion.

The recent enlargements of the establishment, and the liberal spirit manifested by the general assembly, have made it the duty of the board to revise its regulations, and to endeavour to adopt such changes as might

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make the success of the institution commensurate with the reasonable expectations of the public. With this view a committee was appointed, whose deliberations led them to the conclusion that the aid and authority of the general assembly would be necessary to give effect to their views. They have therefore presented a report, a copy of which marked D, is at their suggestion herewith submitted to the general assembly. Should the changes proposed by them be authorized by law, the general assembly will not fail to observe that they will render necessary some addition to the foregoing estimate.

While laying their suggestions before your honourable body, the board feels sensibly that the public should be informed of the reason why this institution is apparently so far behind others, in this and other states, in effecting what should be the main end of all lunatic asylums.

Experience has established the fact that the more recent the attack the greater will be the chance of cure. It has established more. It is well known that this chance is lessened, not in an arithmetical, but almost in a geometrical ratio. To exemplify. In cases of less than three months standing, from 80 to 90 per cent. may be expected to recover, whereas in those of twelve months 25 per cent. is a large proportion to calculate on. The longer the duration of the disease, the more does the brain become habituated to irregular action, and the more apt is organic change to take place, and to destroy all hope of recovery. The reason why so few have been cured in our institution, is that we have not received for years, what may be termed a recent case. Our board of directors has understood the law, as in every instance giving the preference to the first who stands upon the register of applications. The accommodations for the insane not having kept pace with the increase of the disease in the state, every vacant place has, in consequence of the rule established by the board, been filled by a patient who has been much more than twelve months confined in gaol, and whose case has thus become almost hopeless. We discover that a different construction has been given to the law in the Western Lunatic asylum, and the result has been such success as might have been anticipated. The members of our board are pleased to see that this construction has met with the approbation of the chief magistrate of the state and the citizens generally, and they have determined hereafter to adopt the same rule, unless some act be passed forbidding it. We rejoice that our western brethren have taken on themselves the responsibility which we had not ventured to encounter. In justification of ourselves we have felt it necessary to offer the above explanation.

If, as is confidently stated, it requires as much if not more skill to improve a hopeless case than to cure a recent one, to excite the self-respect and gain the confidence and esteem and even love of a wretched maniac, who has been exasperated to fury, or reduced almost to idiocy by the cruelties and hardships of a common gaol, we feel willing to compare with most institutions. The removal of the roof of a part of our building for the purpose of adding a story, has deprived us of one third of our room, and has thus rendered it impossible so to classify patients as to afford the full benefit of moral treatment. Yet for the last six months not even a mitten, much less a strait waistcoat, has been required. A gentle rebuke or a few hours confinement to the room has always been sufficient to recall the power of self-control.

In connexion with this subject the board beg leave to call the attention of the general assembly to a fact exhibited by the paper marked B, herewith submitted. Of 75 patients on the register of applicants at this time, ten are from the western side of the Blue Ridge, and nearly thirty more from counties nearer to Staunton than to this place. Since learning the interpretation placed upon the law by the directors of the asylum there, we are at no loss to understand how this has happened. It is of course, that patients excluded by the rule adopted there should be brought here, and thus this has been made, as it really is, a hospital of incurables.

It is most respectfully suggested that the expenses of the institution are in this way very much increased, and the board would therefore venture to recommend a change in the law to the following effect: "That no patient be at any time sent for by either asylum from a county nearer to the other asylum than to it, so long as there may be upon the register applications from counties nearer to the latter than the former." Every patient who is brought here from beyond Staunton costs the public about $100 more than he ought to cost, because of the additional mileage.

The board have omitted to state in the proper place that the enlargement of the building and the nature of the soil, have suggested to the board the necessity of providing some means of conveying off the water that falls on the extensive roof, and of discharging the sinks and sewers. Their first thought was to have resorted to the use of culverts leading to a ravine at a short distance, but a calculation of the expense convinced them that it would be better to make use of metal pipes for that purpose. These have been purchased for the use of the hospital by the keeper of the penitentiary store, and the board are taught to expect that they will cost about $1000. This additional sum should therefore be taken into the estimate of the current year, so that the amount to be appropriated therefor, in view of all the circumstances, would seem properly to be about $27,740, being about $4400 more than the board are disposed to think will be necessary for the conduct of the institution on the present enlarged scale, when all the cells shall have been actually filled. In this estimate it is to be seen no appropriation for additional building, or for the purchase of a farm according to the suggestion contained in the report of the committee, is embraced. In regard to the latter object the board think it proper to express the opinion, that the cheapness and fertility of land in this neighbourhood would probably make such a purchase an exceedingly profitable investment.

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Having thus reviewed all the subjects which are of direct concern to the institution over which they preside, the board hope that they will not be considered as passing beyond the verge of their duties in casting a general glance at some of the arguments and statements of fact already submitted, and founding thereupon a respectful recommendation to the legislature to extend the means of accommodation for lunatics in the state generally, as to both buildings and attendance.

The board think that considerations alike of humanity and economy point to this as a public measure. The spirit of investigation and experiment which characterize the present time, is at work on this subject, and has already struck out the fact that asylums for the insane, which were formerly regarded as performing all their appropriate functions in securing the physical comfort of the maniac, whilst freeing the community from the annoyance of his presence, are capable of being rendered powerful agents for restoring the mind to these objects of pity, and to society the members who were dead to it. This happy result has been found to flow from the moral treatment of lunatics; a course of treatment which is carefully moulded to the intellectual and moral workings, the passions, and even the weaknesses of human nature, and modified in each by the characteristics of the individual; a course, in short, the very reverse of the old system, whose sole principle seemed to be the identity of insanity with crime. This plan, to be successfully pursued, it is manifest requires professional skill and intellectual ability of a high order in those to whom the execution of it is entrusted; a degree indeed of skill and ability to be commanded only by pecuniary remuneration far exceeding the salaries now given to superintendents of insane institutions in this state.

To pass on to the subject of enlarging the hospital buildings of the commonwealth. It will be found by adverting to the statistics of this report, that there are now seventy-nine applications on file for the admission of patients into this institution. The number of such applications is, too, daily increasing. Another reference to the statistics shows, that when the additional buildings, now in progress, shall be ready for use, there will be room for about forty-six in addition to the number now here. That is to say, for about one half of those who at that period will, according to a reasonable calculation, be applicants for admission. What then is to become of the other half? Why they must remain in enjoyment of the comforts of county gaols and the tender mercies of county gaolers, until additional accommodations, at least equal in extent to those lately provided, shall be erected—by which time, another wretched band will have been collected, lifting up their voices in vain for relief. Thus is the remedy kept lagging behind the evil without any prospect that it will ever overtake it—at least so long as the present policy is pursued. Now, what is the consequence of this? The answer is given at once, as clearly and impressively, as it could be expressed in a volume written for the purpose, in the single fact already dwelt upon in the previous part of this report, that the chances for the recovery of a lunatic decrease with horrible rapidity, as the duration of his malady without proper treatment increases. Before, then, even the most recent of the present applicants for admission here can be received, the period will have gone by, within which the greatest degree of probability of recovery exists; while very many will have passed that limit beyond which is absolute despair. This state of things must continue to exist so long as the means of accommodation are kept so far behind the occasion. It is true, this board, as they have announced in this report, intend to do as much as is in their power towards a lessening of the evil, by appropriating a portion of the institution exclusively to recent cases. But it is clear as arithmetic can make any thing, that the effect will be partial and not radical. The tendency, then, of the course now pursued, is to have the insane asylums of the state *always full;* and the number of lunatics in the state constantly and rapidly increasing, and this board see no other mode of averting this calamitous condition of things, than an energetic determination carried into immediate effect, to enlarge the means of keeping lunatics to an extent sufficient to receive all within the commonwealth, who may exist at the time of the completion of the establishment. This will, it is true, involve considerable expenditure at once; but the opinion may be safely ventured, that the result will exhibit true economy as the basis of the measure. For then, there being no pressure on the institutions, lunatics may be received as soon as they apply for admission, and of course, in the most favourable condition for recovery. By this means the number in the state must kept, if not at a uniform point, at all events at a rate of increase not greater than the natural increase of population, so that, little or no enlargement of the buildings being necessary, the annual expense of the support of these institutions would become nearly a fixed amount. Whereas under the present system the number advances with a fearfully accelerated pace; each addition to the number already existing being a fixed quantity—an incumbrance almost inconceivable except by natural dissolution, (the effect of which in reducing number is proved by experience to be very slight.) The inevitable result of this state of things, must be a continually increasing demand both for means of support and for means of accommodation; which latter, it is believed, would soon be carried, of necessity, beyond the extent to which it is proposed to enlarge them at once. These considerations strike the board as equally conclusive with regard to the economy, as they undeniably are with regard to the humanity of the measure which they respectfully recommend to the general assembly.

With one more suggestion, which, perhaps, should have been made in a previous part of this report, they will conclude. This is, that the law upon the subject of the removal of lunatics to hospitals be so modified as to give to the directors the power to receive lunatics brought by their friends, (those friends paying the expense

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of the bringing,) without the previous examination before magistrates now required; and to give to the applications of such friends precisely the same effect with the applications now directed by law to be made by the sheriffs of counties. The reasons for this suggestion, simply are, that the malady of many is increased by the ceremonial of an examination before magistrates, (their imagination being generally haunted by a vague notion of a criminal procedure,) and that delay is frequently attendant upon the carelessness of sheriffs, the difficulty of getting magistrates together, &c.

The abuse of such power by relations would be checked partly by the circumstance, that the expense of transportation to the hospital would be theirs, and chiefly by the examination of the alleged lunatic before the board of directors.

All of which is respectfully submitted.

Copy—Teste,

JAS. LEE, *Clerk.*

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(A.)

THE LUNATIC HOSPITAL—*In account with* JESSE COLE, *Treasurer.*

1839—January	22		By balance due from the treasurer, - - -		1,516 63
	23		To cash paid Henry Cary for turkies, - -	5 25	
	26	Do.	Jno. H. Thomas, deputy sheriff of Charlotte county,	90 74	
February	4	Do.	Lem. Bowden for fresh meats, - -	93 45	
	4	Do.	Ro. L. Coleman, deputy sheriff of Amherst county,	106 40	
	8	Do.	Jno. H. Smith for shucks, - -	1 80	
	21	Do.	Mrs. E. D. Mason for negro hire, - -	100 00	
	24	Do.	P. H. A. Billet, merchandize, - -	2 34	
March	1	Do.	Lem. Bowden for fresh meats, - -	107 37	
	7	Do.	Tho. Tyree, do. - -	3 00	
	9	Do.	Jno. M. Gregory for bricks, - -	5 60	
	14	Do.	Eliz. Ball for making clothes, - -	5 00	
	23	Do.	Major Wilson for mats, - -	37	
	26	Do.	F. D. Piggott for vinegar, - -	5 00	
	28	Do.	Eliz. Ball for making clothes, - -	3 00	
	28	Do.	E. D. Mason for negro hire, - -	135 00	
April	1	Do.	Lem. Bowden for fresh meats, - -	114 84	
	1	Do.	C. Hansford, quarter salary, - -	62 50	
	1	Do.	A. D. Galt do. - -	200 00	
	1	Do.	F. Cheminant, quarter negro hire, - -	33 75	
	3	Do.	C. R. Tillege, account, - - -	2 00	
	3	Do.	Mary Richardson, discharged patient, -	5 00	
	3	Do.	P. J. Barziza, quarter salary, - -	250 00	
	8	Do.	Randal Smith for mats, - -	56	
	8	Do.	S. Jones for oats, - - -	50 00	
	10	Do.	John Tunis & Co. for plank, - -	72 01	
	10	Do.	do. do. - -	30 30	
	15	Do.	Thomas Mayo for mats, - -	50	
	22		By cash received of the treasurer of the state, - -		14,635 00
	22		To my expenses in receiving the same, - -	13 00	
	26		To cash paid Leroy Harman for shad, - -	4 62	
May	1	Do.	Lem. Bowden for meats, - -	115 92	
	11	Do.	Henry Wilkinson for brooms, - -	1 30	
June	1	Do.	Lem. Bowden for fresh meats, - -	122 60	
	6	Do.	Jno. G. Bowery for peas, - -	50	
	8	Do.	Major Wilson for mats, - -	72	
	10	Do.	Julia Rowsey for butter, - -	75	
	15	Do.	Ben Allen do. - -	2 19	
	15	Do.	J. Jones do. - -	2 00	
	15	Do.	R. Drewry do. - -	1 25	
	20	Do.	Henley T. Jones do. - -	3 75	
July	1	Do.	A. D. Galt, quarter salary, - -	200 00	
	1	Do.	C. Hansford do. - -	62 50	
	1	Do.	P. J. Barziza do. - -	250 00	
	1	Do.	C. R. Tillege for wood, - -	122 00	
	3	Do.	Jno. M. Galt do. - -	586 04	
	3	Do.	Lem. Bowden for meats, - -	118 07	
	3	Do.	F. Cheminant, quarter's negro hire, - -	33 75	
	9	Do.	Mary A. Galt, half year's salary, - -	200 00	
	9	Do.	James Lee, do. - -	62 50	
	9	Do.	W. W. Vest & Co., account for merchandize, -	1,048 32	
	10	Do.	Sheldon & Maupin do. do. -	139 50	
	10	Do.	Cary & Semple do. do. -	47 50	

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1839—July	10—To cash paid Pierce & Armistead, account for merchandize,		-	1 94	
	10	Do.	John Morris for brick work, -	-	24 50
	10	Do.	Tho. Lindsey for blacksmith's account,	-	16 09
	10	Do.	Richard Graves, account, -	-	23 75
	10	Do.	F. C. Coleman for cedar posts, -	-	50 00
	10	Do.	D. H. Mahone, account, -	-	2 50
	11	Do.	Mary A. Galt for making clothes, -	-	7 50
	11—To balance due the hospital, - -			-	11,400 79
				$16,151 63	$16,151 63
	11—By balance due the hospital, - . - -				$11,400 79

At a Court of Directors for the Lunatic Hospital in the city of Williamsburg, held the 12th day of July 1839:

Jesse Cole, treasurer of the hospital, this day produced his account of receipts and disbursements, commencing on the 22d day of January 1839, and ending on the 11th day of July 1839, by which it appears that the sum of $11,400 79 cents is due from the treasurer to the hospital; which said account was examined and allowed by the court, and ordered to be certified to the auditor of public accounts according to law.

A copy—Teste,

JAS. LEE, *Clerk.*

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LUNATIC HOSPITAL—*In account with* JESSE COLE, *Treasurer.*

1839—July	11	By balance due hospital,			11,400 79
	13	To cash paid C. H. Scarborough for straw,		5 00	
	15	Do.	Wm. M. Taylor for fodder,	17 35	
	15	Do.	Wm. M. Jones for potatoes, &c.	13 35	
	15	Do.	do. for peas, &c.	15 12	
	16	Do.	the Mutual Assurance society,	115 68	
	16	Do.	Elizabeth E. Ball for tailoring,	99 00	
	18	Do.	Wm. W. Tyler for postage, &c.	29 28	
	20	Do.	Pleasants & Mosely for advertising,	10 00	
	20	Do.	Compiler office for do.	10 00	
	20	Do.	Crump & Liggon for flour, &c.	55 00	
	27	Do.	Jno. Smith for chickens,	1 50	
August	1	Do.	Lem. J. Bowden for fresh meats,	116 94	
	3	Do.	Lit. T. Waller for melons,	2 10	
	13	Do.	Jno. A. Mackinder for negro hire,	55 00	
	14	Do.	Maria Canady for pickles,	4 63	
September	2	Do.	Lem. J. Bowden for fresh meats,	114 15	
	10	Do.	Wm. Hargrove, a discharged patient,	5 00	
October	1	Do.	Lem. J. Bowden for fresh meats,	112 53	
	1	Do.	Charles Hansford, quarter's salary,	62 50	
	1	Do.	Mary A. Galt, do.	100 00	
	1	Do.	Alex. D. Galt, do.	200 00	
	1	Do.	Philip J. Barziza, do.	250 00	
	1	Do.	F. Cheminant for negro hire,	33 75	
	1	Do.	Wm. Edloe for oak wood,	100 62	
	1	Do.	do. pine wood,	48 75	
	9	Do.	W. W. Vest for mutton,	7 40	
	17	Do.	Wm. Turner, a discharged patient,	5 00	
November	2	Do.	Lem. J. Bowden, for fresh meats,	81 99	
		Do.	to the keeper to pay Mr. M'Manners for melons 7 Aug.	1 75	
	23	Do.	R. M'Manners for potatoes,	1 00	
	25	Do.	Ned Ryus for pork,	7 40	
	25	Do.	Lit. T. Waller for butter,	22 40	
December	1	Do.	Major Wilson for mats,	87	
	1	Do.	Lem. J. Bowden for fresh meats,	87 50	
	7	Do.	Wm. M. Jones for mats,	1 08	
	9	Do.	Henry Smith for mats,	75	
	21	Do.	Eliz. E. Ball for tailoring,	77 00	
	23	Do.	Ned Ryus for dried fruit,	50	
1840—January	1	Do.	Jno. A. Mackinder for negro hire,	55 00	
	1	Do.	G. W. Southall for Dr. Nelson, negro hire,	100 00	
	1	Do.	R. M'Candlish, do.	35 00	
	1	Do.	P. J. Barziza, do.	100 00	
	1	Do.	Jesse Cole, do.	30 00	
	1	Do.	do. executor of H. Edloe, do.	400 00	
	1	Do.	Mrs. Cheminant, do.	33 75	
	1	Do.	Sarah W. Byrd, do.	75 00	
	1	Do.	Alex. D. Galt, quarter's salary,	200 00	
	1	Do.	P. J. Barziza, do.	250 00	
	1	Do.	Charles Hansford, do.	62 50	
	1	Do.	James Lee, half year's salary,	62 50	
	1	Do.	Mary A. Galt, quarter's salary, &c.	150 00	
	1	Do.	Lem. J. Bowden for fresh meats,	92 18	
	1	Do.	Dickie Galt for barber,	80 00	
	1	Do.	Dickie Galt for balance of meal contract for 1839,	100 84	

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1840—January	1—To cash paid	Dickie Galt in advance on contract for meal for 1840,		666 67	
	1 Do.	Wm. Edloe for wood,		390 13	
	1 Do.	Robert P. Waller for fresh butter,		82 75	
	4 Do.	Absalom S. Wells for pork,		1,050 00	
	4 Do.	Elizabeth Mason for negro hire,		100 00	
	4 Do.	do. do.		35 00	
	8 Do.	W. W. Vest & Co. for merchandize,		1,683 90	
	10 Do.	R. H. Graves for cart harness,		5 63	
	10 Do.	Jesse Cole blacksmith's account,		15 03	
	10 Do.	J. W. Randolph for paper,		3 50	
	10 Do.	Allison & Watt for crockery,		54 90	
	10 Do.	Wyatt & White for flour,		78 33	
	10 Do.	Sheldon & Maupin merchandize,		444 20	
	10 Do.	P. J. Barziza, travelling expense, &c.		28 75	
	10 Do.	G. W. Ball for horse hire, &c.		26 50	
	10 Do.	Wm. W. Tyler for postage, &c. &c.		44 26	
	10 Do.	Mary A. Galt for making clothes,		35 88	
	14 Do.	Pierce & Armistead, account,		1 88	
		Balance due the hospital,		2,954 82	
				$11,400 79	$11,400 79
	14—By balance due from the treasurer,				$2,954 82

At a Court of Directors for the Lunatic Hospital in the city of Williamsburg, held the 14th day of January 1840:

Jesse Cole, treasurer of the hospital, this day produced his account of receipts and disbursements, commencing on the 11th day of July 1839, and ending on the 14th day of January 1840, by which it appears that the sum of $2,954 82 cents is due from the treasurer to the hospital; which said account was examined and allowed by the court and ordered to be certified to the auditor of public accounts according to law.

A copy—Teste,

JAS. LEE, *Clerk.*

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(B.)

List of Applications now on file; their respective dates, and dates of reception and answer of the same: also place of Patients' residence.

Patients' Residence.	Date of Application.	Reception of Application.	Answered Application.	
Petersburg, - -	1837, August 10,	1837, August 12,	1837, August 14,	Female.
Mercer, - -	" October 29,	" November 18,	" November 22,	Do.
Franklin, - -	" November 6,	" " 18,	" " 20,	Do.
Charles City, -	1838, January 30,	1838, January 31,	1838, February 2,	Do.
Braxton, - -	" March 16,	" April 30,	" May 4,	Male.
Halifax, - -	" June 22,	" June 27,	" June 29,	Female.
Nottoway, - -	" May 5,	" May 12,	" May 14,	Do.
Nansemond, -	" April 19,	" April 24,	" April 27,	Do.
Isle of Wight, -	" " 3,	" " 17,	" " 20,	Do.
Henrico, - -	" May 7,	" June 12,	" June 13,	Male.
Henrico, - -	" June 19,	" " 20,	" " 22,	Female.
Brunswick, - -	" " 5,	" " 12,	" " 12,	Male.
Warren, - -	" " 28,	" July 7,	" July 11,	Female.
Isle of Wight, -	" March 31,			Male.
Fluvanna, - -	" May 1,	" May 8,	" May 9,	Do.
Franklin, - -	" June 29,	" July 17,	" July 20,	Female.
Lynchburg, - -	" July 5,	" " 10,	" " 10,	Do.
Henry, - -	" " 31,	" August 14,	" August 15,	Male.
Greene, - -	" August 30,	" September 5,	" September 7,	Do.
Halifax, - -	" December 3,	" December 11,	" December 19,	Female.
Campbell, - -	" " 13,	" " 17,	" " 21,	Male.
Sussex, - -	" September 7,	" September 25,	" September 28,	Female.
King and Queen, -	" " 27,	" October 2,	" October 3,	Do.
Lynchburg, -	" " 17,	" September 25,	" September 28,	Do.
Loudoun, - -	" " 25,	" October 2,	" October 3,	Male.
Loudoun, - -	" October 13,	" " 25,	" " 26,	Do.
Lynchburg, - -	" June 26,	" June 28,	" July 2,	Do.
Louisa, - -	" October 18,	" November 5,	" November 7,	Female.
Prince George, -	" " 30,	" October 5,	" October 7,	Male.
Albemarle, - -	" November 12,	" November 15,	" November 16,	Do.
Isle of Wight, -	" " 22,	" December 1,	" December 3,	Female.
Accomack, - -	1839, January 5,	1839, January 12,	1839, January 16,	Do.
Monongalia, -	" " 5,	" " 15,	" " 16,	Male.
Bedford, - -	" " 13,	" " 19,	" " 21,	Female.
City of Richmond, -	" " 17,	" " 19,	" " 21,	Do.
Nottoway, - -	" " 19,	" " 29,	" " 30,	Male.
Henrico, - -	" February 11,	" February 12,	" February 18,	Do.
Mecklenburg, -	" " 14,	" March 2,	" March 6,	Do.
Fauquier, - -	" " 15,	" " 2,	" " 6,	Do.
Hanover, - -	" " 19,	" February 28,	" " 6,	
Madison, - -	" March 5,	" March 12,	" " 15,	Male.
Franklin, - -	" " 7,	" " 14,	" " 15,	Do.
Halifax, - -	" February 21,	" " 2,	" " 6,	Do.
Campbell, - -	" March 14,	" " 26,	" " 29,	Do.
Charlotte, - -	" April 29,	" May 24,	" May 27,	Do.
Lunenburg, - -	" " 13,	" April 19,	" April 22,	Female.
Fluvanna, - -	" May 15,	" May 24,	" May 27,	Male.
Nansemond, -	" " 24,	" " 28,	" " 29,	Female.
City of Richmond, -	" " 25,	" " 28,	" " 29,	Do.
Smyth, - -	" " 22,	" June 1,	" June 3,	Male.

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Patients' Residence.	Date of Application.	Reception of Application.	Answered Application.	
Westmoreland, -	1839, May 28,	1839, June 1,	1839, June 3,	Male.
Mecklenburg, -	" June 1,	" " 10,	" " 12,	Do.
City of Richmond, -	" " 5,	" " 14,	" " 17,	Female.
Halifax, - -	" " 12,	" " 15,	" " 17,	Male.
Cumberland, -	" " 6,	" " 15,	" " 17,	Do.
Bedford, - -	" July 1,	" July 6,	" July 8,	Do.
Henrico, - -	" " 2,	" " 6,	" " 8,	Do.
Hampshire, - -	" " 9,	" " 24,	" " 27,	Female.
Southampton, -	" " 12,	" " 24,	" " 27,	Male.
Lewis, - -	" " 12,	" " 24,	" " 27,	Female.
Prince Edward, -	" " 22,	" August 3,	" " 5,	Do.
Louisa, - -	" August 2,	" " 7,	" August 9,	
Williamsburg, -	" " 5,	" " 5,	" " 5,	Male.
Essex, - -	" " 21,	" " 27,	" " 29,	Do.
Isle of Wight, -	" " 24,	" " 31,	" September 2,	Do.
Chesterfield, -	" " 23,	" September 2,	" " 4,	Female.
Warren, - -	" " 28,	" " 3,	" " 6,	Male.
Fredericksburg, -	" " 28,	" August 31,	" " 4,	Female.
City of Richmond, -	" September 3,	" September 4,	" " 6,	
Sussex, - -	" " 9,	" " 11,	" " 13,	Do.
Halifax, - -	" " 4,	" " 9,	" " 11,	Male.
Loudoun, - -	" October 24,	" October 29,	" November 1,	Female.
Greene, - -	" " 18,	" " 29,	" " 1,	Male.
Goochland, - -	" November 11,	" November 13,	" " 15,	Do.
Henry, - -	" " 26,	" December 7,	" December 11,	Do.
Total, 75				

JAS. LEE, *Clerk.*

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(C.)

A LIST OF PATIENTS

IN THE

LUNATIC HOSPITAL IN THE CITY OF WILLIAMSBURG,

ON THE FIRST DAY OF JANUARY 1840;

The Time when Received; their Places of Residence; the Expense of their Removal to the Hospital; and also a List of those who were Discharged therefrom, or Died therein, during the year 1839.

Names of Patients.	*Place of Residence.*	*When Received.*	*Paid for Removal.*
MALES.			
John Burger,	Washington,	December 1, 1812,	152 48
Hugh Kerr,	Accomack,	November 10, 1815,	51 25
Charles Scott,	City of Richmond,	August 19, 1817,	16 50
Thomas G. Pollard,	King William,	October 2, 1817,	40 05
John Willoughby,	Nelson,	June 1, 1818,	67 97
Tully Scrugg,	New Kent,	December 6, 1820,	11 21
William Stork,	Pittsylvania,	August 5, 1821,	80 79½
James Cossy,	Gloucester,	June 27, 1822,	15 42
John Shrum,	Henrico,	July 20, 1822,	16 25
John Lucas,	Culpeper,	June 25, 1823,	57 45
Benjamin Barnett,	Madison,	April 27, 1825,	88 55
Gilbert Simonton,	Prince Edward,	June 11, 1825,	59 35
George Miller,	Shenandoah,	July 25, 1825,	94 63
Smith Fox,	Nelson,	January 6, 1826,	73 33
John Pynes,	King and Queen,	January 23, 1826,	26 80
Edward A. Stubbs,	Gloucester,	August 26, 1831,	18 30
James Scott,	Franklin,	September 25, 1831,	135 82
William S. Pennington,	Hanover,	October 3, 1832,	34 72
John Hopkins,	Norfolk Borough,	July 28, 1833,	24 10
James Roane,	Loudoun,	March 22, 1834,	114 45
John Kinchloe,	Prince William,	June 20, 1834,	99 30
Benjamin S. Robertson,	Patrick,	July 10, 1834,	186 96
Harper R. Gallispie,	Mecklenburg,	September 4, 1834,	92 50
William W. Buckley,	Brunswick,	November 18, 1834,	59 92
Robert B. Fontain,	Pittsylvania,	December 22, 1834,	125 08
William A. Trible,	Essex,	September 10, 1835,	39 70
James Wallap,	Accomack,	October 7, 1835,	55 16
Jeremiah Stanley,	Russell,	October 8, 1835,	230 88
Reuben Adams,	Charlotte,	November 9, 1835,	64 82
John Voiniard,	Isle of Wight,	December 10, 1835,	26 46
John Daffin,	Stafford,	December 21, 1835,	75 93
John Williams,	Fauquier,	March 31, 1836,	59 63
James Herndon,	Fauquier,	March 31, 1836,	59 63

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Names of Patients.	*Place of Residence.*	*When Received.*	*Paid for Removal.*	
Males.				
Gordon Miller,	Lewis,	April 16, 1836,	228 77	
Robert Powell,	Halifax,	May 2, 1836,	126 06	
Arthur M. Munns,	City of Richmond,	June 20, 1836,	24 00	
William Saunders,	Caroline,	July 21, 1836,	42 54	
John Bellamy,	Cabell,	October 18, 1836,	184 47	
John Moxley,	Chesterfield,	December 9, 1836,	30 40	
Thomas Alderson,	Charlotte,	February 13, 1837,	90 74	
John Kellar,	Randolph,	February 14, 1837,	176 84	
Miles Hall,	Mecklenburg,	April 25, 1837,	83 27	
Thomas J. Good,	Powhatan,	June 14, 1837,	51 80	
Osborne Elam,	Charlotte,	June 14, 1837,	90 74	
Cary Mitchell,	Cumberland,	June 16, 1837,	65 70	
Isaac Stalcap,	Smythe,	June 16, 1837,	195 96	
Asa Bradshaw,	Nottoway,	June 19, 1837,	45 00	
John C. Newton,	Loudoun,	September 8, 1837,	74 02	
Perry Elliott,	Wythe,	October 30, 1837,	190 55	
David Causner,	Patrick,	January 24, 1838,	186 96	
William Boyles,	Randolph,	August 6, 1838,	180 96	
Joseph P. Reynolds,	Charlotte,	January 26, 1839,	90 74	No estate as per certificate.
Females.				
Parthena Thornhill,	Fauquier,	March 31, 1812,	44 93	
Sally Patterson,	Lynchburg,	November 20, 1821,	57 40	
Patsy Mallett,	Mecklenburg,	July 25, 1823,	59 05	
Eleanor Nott,	Preston,	May 23, 1825,	191 14	
Hannah Cole,	City of Williamsburg,	October 18, 1828,	2 80	
Ann Pitt,	Gloucester,	November 23, 1830,	11 18	
Betsy Kent,	Norfolk Borough,	November 29, 1830,	24 10	
Emily Green,	Fredericksburg,	February 3, 1832,	29 07	
Margaret Monroe,	Fauquier,	December 23, 1832,	68 84	
Margaret Mease,	Accomack,	February 9, 1833,	68 24	
Nancy Cubbage,	Madison,	March 9, 1833,	64 31	
Jane Burnwell,	Hampshire,	August 19, 1833,	105 37	
Mary E. Galt,	Portsmouth,	August 20, 1833,		
Eliza Boyd,	Halifax,	June 17, 1834,	126 46	
Martha Gaines,	Amelia,	June 26, 1834,	40 00	
Jane Vaughn,	Mecklenburg,	July 10, 1835,	92 50	
Nancy Ashlock,	James City,	September 8, 1835,	00 40	
Eve Jones,	City of Richmond,	September 10, 1835,	28 80	
Elizabeth Allcock,	City of Richmond,	September 10, 1835,	28 80	
Amelia Evans,	Essex,	October 3, 1835,	39 70	
Maria Fatherley,	Norfolk Borough,	November 13, 1835,	24 10	
Sally Dullin,	Fauquier,	September 27, 1836,	69 00	
Elizabeth White,	Mathews,	May 25, 1837,	28 38	
Betsy Pippin,	Russell,	June 5, 1837,	227 25	
Levina Davis,	Monongalia,	March 23, 1838,	208 50	
Susan Sparks,	Washington,	June 12, 1838,	148 00	

Males, -	52
Females, -	26
Total,	78

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A list of Patients who were discharged, or who died in the Hospital in the year 1839.

Names of Patients.	*Place of Residence.*	*When Received.*	*Paid for Removal.*	*When Discharged or Died.*
William Turner,	Isle of Wight,	Oct. 5, 1837,	26 46	Discharged Oct. 17, 1839, allowed $5.
William Cheatham,	Goochland,	Nov. 18, 1838,	50 40	Eloped July 1839.
William Hargrove,	Isle of Wight,	Jan. 10, 1839,	28 84	Discharged Sep. 10, 1839, allowed $5.
Micajah Camden,	Amherst,	Feb. 4, 1839,	106 40	Died Oct. 15, 1839, no estate as per certificate.
Maria French,	Madison,	Mar. 22, 1837,	99 68	Died June 12, 1839, no estate.
Tabitha Milson,	Accomack,	Nov. 7, 1837,	87 61	Died August 26, 1839.
Mary Richardson,	Sussex,	Dec. 16, 1838,	29 70	Discharged April 3, 1839, and allowed $5 to pay her expenses in returning home.

The foregoing list is correctly made from the register kept at the hospital and the records of the court of directors thereof.

JAS. LEE, *Clerk.*

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(D.)

Report of the Committee of the Directors of the Lunatic Hospital at Williamsburg, appointed December 15, 1839, with instructions to digest a system of Regulations for the Government of the Hospital, and report the same to the Board.

In addressing themselves to the duty assigned them, the committee were bound to bear in mind, that the circumstances giving rise to their appointment had been such as deeply to impress every member of the board with the necessity of strict subordination in the institution. The importance of perfect method and system in all details, and the nature of the duties and functions of the various officers, alike demand a subordination not less absolute and unquestioning than that which is found necessary in military affairs. Besides this, in managing the affairs of an institution necessarily hidden from the public eye, it is impossible to secure proper responsibility, unless some one officer be made answerable for all that is done, and therefore invested with an efficient authority over all subordinate agents. Without this, we have seen that any attempt at investigation can only lead to crimination and recrimination, and end in a vague dissatisfaction on the part of the board, arising from the certainty that something is wrong, without clearly perceiving what is the evil, and what should be the remedy.

The one thing needful, then, for a vigorous and efficient system of regulations, is a proper head to the institution. This suggests the enquiry who is and who ought to be that head? The first question is easily answered. It is the superintendent. But is the supremacy of this officer actual or only nominal? Is it, on the whole, desirable that it should be actual; and if not actual, ought it to be nominal?

When we reflect on the character which we should seek in the physician of a lunatic hospital, and, yet more, when we contemplate the actual character, the great professional experience and skill, the high intellectual and moral endowments, and the right respect and authority, which in spite of his modesty and humility, associate themselves with the very name of the present incumbent of that office, we should find it hard to select a man for that of superintendent worthy to be placed in authority over him. But if it be suggested to give *him* the control of the superintendent, all must see the impropriety of such a plan. His visits are *occasional*, not to the *hospital*, but to the *patients*, and he can do no more than give particular orders in some few particular cases, and in all the rest, mere general directions, in conforming to which the superintendent must be allowed to exercise a discretion as various as the caprices of madness itself. We find ourselves, then, in this dilemma. The physician cannot be set over the superintendent, because he does not, and cannot, possess that minute acquaintance with all the circumstances of every case, which alone can enable any man to regulate all the details of moral discipline. On the other hand, the superintendent, who is supposed to possess this knowledge, cannot be supposed to be endowed with the capacity to understand the pathology of the diseases, and to judge of, and apply, the remedies appropriate to every case. He is but the nurse, who may report the symptoms to the doctor, but who must not venture to judge of or prescribe for them. In this difficulty it has seemed to the committee that the remedy is to be found in a union of the offices of superintendent and physician in the same person; in requiring him to give his whole time to the institution, and to reside in it. This measure, therefore, they would unhesitatingly recommend, were there no obstacles in the way of its adoption; but there are such. The present salary of the physician is adjusted to the nature of the service rendered by him, and is supposed to be not more than an adequate compensation for that amount of service. But when it is proposed to require of him a surrender of his private practice, and a devotion of his whole time to the institution, it becomes necessary to provide a salary which shall pay for his whole time. When we reflect, moreover, that the interests of the public demand that an office of so much trust, and requiring so much skill, be filled by a man of those high professional endowments, that untiring industry, unquestionable moral worth, and deep practical wisdom which, in private practice, are sure to command the most ample remuneration, we see that the emoluments of the office ought not to fall far below the same standard. Looking, then, to the rate of appropriation commonly made for the service of the hospital, we find no fund at the command of the board for the payment of the requisite salary, but one to be made up of the present salaries of superintendent and physician. This, it appears to the committee, would not be quite adequate, but even this would be subject to a partial curtailment. There are many duties now performed by the present superintendent, which more properly belong to the office of a steward. These duties would, in the view of the committee, be quite incompatible with the more important calls upon the time of a medical superintendent. He should be discharged from them, and be put in condition to devote his whole attention to the study of the various phases of that strange mysterious disease, which remains to this day a riddle to the profession. Supposing, therefore, the present office of superintendent to be cut down to that of steward, with a salary of $500. There would remain only the remainder of his salary, to wit, $500, to be added to that of a physician, to be charged at the same time with the other duties and all the responsibilities of a superintendent.

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Another obstacle occurs in the want of proper accommodations within the institution for such a superintendent and his family. The end proposed in such a union of functions calls for the constant presence of that officer. While it is not supposed that he should be strictly confined to the walls of the institution, and restricted in the enjoyment of intercourse with his friends and needful recreation, still it is deemed necessary that no *duty* to his family or others be allowed to interfere with or interrupt his attention to those of his official station. The hospital, therefore, should be the home of him and his. But the board are aware, that there are no accommodations in the building, proper for the use of such a person, and that, on the present scale of appropriation, there are no means of erecting any such.

One additional remark may be proper. If the board possessed the necessary funds, the changes suggested above would probably be within their legal competency; and yet it might be indiscreet, and disrespectful to the legislature, to make such changes without first, in some way, obtaining an indication of the sense of that body. A means of doing this is presented by the very difficulties of the case. Should the idea contained in this report be laid before the legislature, accompanied with an estimate of the additional appropriation which their adoption would render necessary, then the granting or withholding such appropriation might be taken as an expression of the approbation or disapprobation of the legislature. A more precise and authoritative declaration might be given, by a law declaring that the superintendent should be a physician of established reputation, and fixing his salary, together with that of the steward. Supposing this change to be made, the committee would farther recommend the adoption, in most essential particulars, of the regulations of the hospital at Worcester, Massachusetts. Some modifications might be rendered proper by the structure of our society, and to some purposes the authority of the legislature might be necessary, and should be invoked. Should the institution be established on this basis, the committee would recommend, that there be placed under the superintendent, at least four white subordinates, to wit: a steward with an assistant, in the male department, and a matron with an assistant, in the female department. There should, also, be under these attendants, who should be subject to their control and command, and whose duties should be performed, as much as possible, under their eye. The *whole* time of *all* these persons should be the property of the institution, and they should never receive compensation beyond their respective salaries for any service whatever. What these services are to be should be prescribed by the superintendent, under the direction of the board, and so regulated as to afford them full employment. If the matron or her assistant has leisure to work with the needle, let them do so *for the benefit of the institution.* If the steward or his assistant can be profitably employed in any work, not menial or degrading, let it be done *in like manner.* It is farther suggested, that, in order to render the institution less chargeable to the state, and more beneficial to those whose cases afford a hope of cure, the board be authorized to discharge *hopeless* but *harmless* patients, or be furnished with the means of buying a small farm, where they may be kept employed for the benefit of the institution. A small sum laid out in this way, might be expected to save all the expenditure for corn, and much of that for pork, milk, butter and fresh meats.

It is also deemed desirable that the board have power to authorize more comfortable and expensive accommodations for patients whose cases may be thought to require them, and that in all cases of such patients whose private estates are sufficient for their maintenance, the additional expense should be charged to their estates.

In conclusion of this branch of their report, your committee suggest that the ideas embodied therein be respectfully laid before the legislature in the next annual report of the board of directors.

All which is respectfully submitted.

JAS. LEE, *Clerk.*

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[DOC. No. 59.]

COMMUNICATION OF THE SECOND AUDITOR.

SECOND AUDITOR'S OFFICE,
18TH FEBRUARY 1840.

SIR,

Enclosed is a communication to the house of delegates in relation to such of the joint stock companies in which the state is interested, as have failed to make reports to the Board of public works.

I have the honour to be,

With great respect,

Your obedient servant,

J. BROWN, JR., *Second Auditor.*

The honourable the Speaker of the House of Delegates.

"*Resolved*, That the second auditor report to this house whether any joint stock companies in which the state is a stockholder, have failed to make reports to the Board of public works, if any, what companies have failed to report, and the interest said Board of public works has in such companies."

SECOND AUDITOR'S OFFICE,
18TH FEBRUARY 1840.

To the House of Delegates.

In compliance with a resolution of the house of delegates of the 14th instant, of which the foregoing is a copy, I have the honour to make the following report:

Reports for the past year exhibiting the state of the pecuniary affairs of the joint stock companies in which the commonwealth is a stockholder, and the condition of the various improvements under the direction of those companies have been very generally received. Those which came to hand in due time accompanied the 24th annual report of the Board of public works, which was laid before the legislature in a printed form at the commencement of the session. Such as have been subsequently received are now in the hands of the public printer, and will also, when completed, be sent in.

The following companies have failed to make reports, viz:

The James river and Kanawha company.		
Subscription by the state (three-fifths,) - - - - - -		3,000,000
Guarantee by the state of the company's bonds, - - - - -		1,500,000
		$ 4,500,000
The Richmond dock company.		
Subscription of the state (two-fifths,) - - - - -	62,500	
Loan to company of - - - - - -	50,000	
		112,500
The Huntersville and Warm Springs turnpike company.		
Subscription of the state (two-fifths,) - - - - - -		6,400
The Lewisburg and Blue Sulphur Springs turnpike company.		
Subscription of the state (two-fifths,) - - - - - -		4,000
The Fairfax turnpike company.		
Subscription of the state (two-fifths,) - - - - - -		5,400

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The causes which have prevented the James river and Kanawha company from presenting their report are given in a paper herewith transmitted, which was placed in my hands by the member of the Board of public works therein alluded to.

I am unable to account for the failure of the Huntersville and Warm springs and the Lewisburg and Blue Sulphur springs turnpike companies to transmit their reports.

No report of any description has been received from the Richmond dock company since December 1835. The Board of public works has regularly made an annual appointment of a proxy, and two directors to attend to the interest of the state in this costly and important improvement, and have endeavoured, but without success, to procure a knowledge of its actual condition. I have reason to believe that a meeting of the stockholders has not been held for twenty years past.

Why no report has been received from the Fairfax turnpike company, will be sufficiently shewn by extracts from the communication of the proxy of the state in that company, contained in the annual report of the Board of public works to the legislature now in session, (*page* 170.)

All of which is respectfully submitted.

J. BROWN Jr.
Second Auditor.

In reporting the James river and Kanawha company as one of the companies that have failed to report to the Board of public works, it is due to that company to state that the president thereof called upon a member of the Board of public works in the month of November, and informed him, and requested him to communicate the information to the Board of public works, that the report from the James river and Kanawha company to that board had not been made within the time prescribed by the resolution of the general assembly, by reason of peculiar and unexpected circumstances which had recently occurred; that being, by the charter, the reporting officer of the company, and being detained in the western country by the indisposition and ultimate death of a member of his family, he was unable to prepare a report within the required time; but that it was his intention, in reporting at the end of the present year, to carry back his report to the period of his last annual report to the Board of public works.

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[DOC. No. 60.]

MR. SOUTHALL,

FROM THE SELECT COMMITTEE ON THE JOINT RESOLUTIONS FROM THE

STATE OF NEW JERSEY,

MADE THE

FOLLOWING REPORT:

The committee to whom has been referred the joint resolutions of the general assembly of the state of New Jersey, relative to the exclusion of five of the persons commissioned as representatives of that state in the 26th congress of the United States, have had the same under consideration, and respectfully submit thereon the following

REPORT:

That the joint resolutions of the general assembly of New Jersey, communicated through her executive, coming as they do from so high a source, claim, apart from the grave and important subject which they embrace, the most calm and deliberate consideration from a sister state. Confederated as are the six and twenty republics of the Union, allied for their common defence and general welfare, it becomes each and all, in furtherance of the common objects for which their compact was formed, to give to the communications of each that respectful regard and high consideration at all times due from one sovereign state to another—and whenever the just rights and sovereign claims of any shall be denied, or invaded, to make common cause for prompt and immediate redress: for as parties to the compact of union, equal in power, equal in their reserved rights, equal in their fedederal character, and mingling in the national councils upon terms of equality, it follows that an outrage upon, or an invasion of the rights and constitutional claims of one, affects alike each and all—and each alike should feel the wound inflicted upon any, and upon the mere principles of self-defence, hasten to the protection of each other.

The state of New Jersey, through her official and legally constituted authorities, complains, "that the late acts of a portion of the representatives from the several states, by which five of the persons who were duly commissioned under the great seal of" that state, "as her representatives in the twenty-sixth congress of the United States, were prevented from exercising their rights and discharging their duties as such representatives, were a palpable violation of the constitution and of the parliamentary law established by reason and unvarying usage, a precedent of most alarming and dangerous character, and a gross outrage upon the rights and feelings of the people of" that state.

It will be conceded by all, if this complaint be well founded, if a portion of the duly commissioned representatives of the state of New Jersey to the twenty-sixth congress of the United States, have been illegally and improperly excluded by the action of a majority of the other individuals present and acting as the representatives of the other states, that it comes to us in a character, and assumes an importance deeply interesting to those who cherish the wish to see our federal system, in its original form, creation and design, preserved and perpetuated—to behold in the operations of this system, the federal and state authorities moving in their legitimate paths; each confined to the constitutional orb prescribed, and the several states, in the national councils of the country, meeting together with the rights and privileges, the weight and representation secured to each under the federal charter. In the perfect security of these high and sacred immunities all the states are alike concerned—all interested in the protection of each in its constitutional prerogatives, and intimately associated in a common defence as they are in a common fate. If one shall be oppressed and outraged, shall be denied its proper and full participation in the administration of the general interests, shall be curtailed of its fair propor-

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tions as an equal with the others, the destiny of such will soon be that of another, until precedent becoming authority, the rights and claims of others will sooner or later fall before the rude assaults of power and usurpation.

In approaching then this most delicate and absorbing question, one of grave constitutional law, claiming the cool and dispassionate consideration of every patriot and every devoted friend to the rights of the states, your committee trust that its examination will be made in the calm spirit which should characterize, as well enquiry after truth, as the fundamental principles belonging to the union of these states—that we come to it freed from all party excitement or party prejudices—that upon the altar of our common country, to which we all owe allegiance, and around which it is to be hoped, whatever our political differences, all are ready to gather, we are prepared, upon questions of high import and of organic law, to lay down the arms of mere party strife; to look above its poor and temporary triumphs, and to rise to the station and the lofty privilege which belongs to the representatives of a free and confiding people. Having a common inheritance, derived from a common ancestry, passengers alike in the same vessel, tending to the same political destiny, equally and jointly interested in the cargo aboard, fated to bear together its losses, and promised to share equally the fruits of the voyage, it behooves us, as one people, sensible of the high and sacred responsibility attached to us, to be at all times ready, amidst threatened dangers and perils, to come with one heart and one feeling to the common defence of all—to re-assert, when necessary, the great and fundamental truths first proclaimed by our fathers, and to throw around the pillars of our political institutions new and additional safeguards.

With such feelings alone your committee hope to approach this subject; and with such feelings only they doubt not the general assembly of Virginia will meet and decide it. It is one vital in its character, and upon the correct decision of which by the people of these United States, the future repose, harmony and security of our national councils and national institutions most intimately depend. The peaceable and orderly assemblage and organization of the congress of the Union, the only channel through which the will of the people of the several states can be ascertained, is as essential to the safety of the country, as it is necessary to claim for the acts of that body the respect and confidence of the public. A period of fifty years has elapsed since the adoption of the federal constitution; and through all the changes, excitements and political strifes of this long period, no incident has occurred in the organization of the national legislature so mortifying to the patriot, so calculated to impair and shake the fabric of the government, to awaken and alarm the apprehensions of the friends of the Union as to its stability, as the recent distressing scene exhibited at Washington.

The history of the past informs us, that some of the best and wisest men engaged in the holy work of constructing the existing federal government, entertained conflicting views and opinions as to its character and ultimate destiny. We are apprised, that in '89, when the operation of this government had but recently commenced, when the hopes of some and the fears of others were alive to the mighty experiment then originating, when a Henry denounced what a Washington approved, that Jefferson, alike patriotic with others, and in political wisdom surpassed by none, who about that period commenced his illustrious republican campaign, and who by the wisdom of his councils, and a stern devotion to his principles, led his votaries triumphantly through so many well-fought fields, that Jefferson felt serious apprehensions as to the future operation of the system—that at that early period he tells Madison, his colabourer in the great cause of human rights, that the "tyranny of the legislature was the danger then most to be feared, that this would continue for many years then to come, but that the tyranny of the executive power would come in its turn, though at a more distant day"—and without stopping to enquire how far this prophecy has been fulfilled, or is fulfilling, it should serve at least as a warning to us from him who, by the republicans of Virginia, was ever looked to as the oracle of political truths. It should serve at least to admonish us, that the utmost vigilance is required on the part of those professing republican principles, and who are sincere in the desire to sustain the institutions of the country in their republican purity and original design—that of all the departments of the government, the house of representatives, constituting the popular branch, emanating directly and biennially from the people, presumed to reflect, as from a centre, the embodied will of their constituents, without whose agency they cannot be reached, and who in theory as it should be in practice, form the shield of their persons and property, the house of representatives, occupying so high and responsible a station, and required to discharge so sacred and delicate a trust, should, in order to give weight and character to their acts, and to command the respect and confidence of the public, be emphatically what the constitution has provided, and the wisdom of its framers intended: that in its assemblage at the regular periods, each and every part of this wide confederacy should, with its commissioned representatives, if present and ready to participate in its organization, be, then and there, allowed to enter upon their duties, to exercise their privileges, and, for the time being, to claim and occupy their seats—that each and every member, *returned as such*, exhibiting the regular and legal credential of his election, should, without question or objection *at the time*, stand precisely upon the same and like equality, and be entitled to the same and like participation in the organization of the body. A different principle or rule of action would, in the opinion of this committee, lead to the most disorganizing and disastrous consequences—one which no friend of order, or the institutions of his country, can desire to witness: which must, in times of evil passions, of contending factions, of the bitter and angry strifes of political warfare, tend to anarchy and commotion; and endanger, if it does not ultimately overthrow, the very pillars of our political temple.

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Experience reads to us a lesson, which, however much it may mortify our pride and self esteem, teaches us the melancholy truth, that governments and laws are essentially necessary to shield and protect us from each other—to guard and shelter us from our own infirmities, and to check the evil propensities of our nature, whether displayed in a public or private station: hence, in all well organized governments, the various checks and balances, the separation of its various departments, and the solemn injunction, that one shall not exercise the powers conferred upon another.

With these self-evident and acknowledged truths, your committee enter upon an examination of the subject presented by the state of New Jersey—declared by her as a violation of her constitutional claims and sovereign rights, and as an infringement of the compact of union, and the equal prerogatives of the respective parties to it.

Though the congress of the United States has been in session since the first Monday in December last, the state of New Jersey, entitled to *six* representatives in the popular branch, has had but *one* admitted to a seat on the floor of that house; and though her elections for such representatives were held at the time and places prescribed by law, and five other individuals, on that day presented themselves with credentials in strict conformity with her election laws, and in exact character with the credential of the admitted member, they have been excluded from their seats, and the state, with the exception mentioned, disfranchised and repulsed from the national councils. This novel and extraordinary proceeding is attempted to be justified upon the alleged ground, that five other individuals actually received a majority of the votes cast in the election, and from fraud, or some other cause, were improperly deprived of the return to which they were entitled.

By the 4th section of the first article of the constitution, it is provided, "that the times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators." And by the 5th section of the same article, it is provided, that "each house shall be the judge of the elections, returns and qualifications of its own members." Congress having declined to exercise the power reserved to it by the constitution as to the election and return of its members, such power has been exercised by the legislatures of the several states—and each state has, for itself, "prescribed" the mode and manner of electing and *returning* its own respective members. In this, the states are but fulfilling the provisions of the federal constitution, to which each and all are parties. It is not denied, that New Jersey is entitled to six representatives on the floor of the house of representatives—that, in order to obtain her just and equal voice in the deliberations and action of that body, she has, by law, in pursuance of the constitution of the United States, "prescribed" the time, places and manner of holding elections for such representatives—that, in pursuance of such authority, an election was held, as "prescribed" by the authority of that state—and that certain individuals at the time and place for the meeting of congress then and there appeared, produced their commissions as the representatives of that state, and demanded the right to unite and act with the representatives from the other states in forming and organizing a house of representatives.

As from the laws now in force, the states have the sole and absolute authority of regulating the elections of members of the house of representatives, of prescribing the *form* and *character* of the evidence which the representatives from each shall bear of their title to seats, it becomes us to enquire what effect the 5th section of the first article of the constitution has upon this previous action of the states? "Each house shall be the judge of the elections, returns and qualifications of its own members." It is seen, at once, upon a simple reading of this provision of the constitution, that before it can operate, or be made to apply to any existing case, there must be a *house*—whether the enquiry be as to membership in the senate or the house of representatives—that before the *election*, or the *return*, if such return be in the form prescribed by law, can be made the subject of enquiry, the *house* to which such return applies must have *organized*. Organized how? organized by the individuals, assembled together, being possessed, *at the time*, with the *returns* as "*prescribed*" by law, entitling them to constitute a senate or house of representatives. Organized, not by A, B and C presenting themselves, and without credentials, claiming membership—but by exhibiting a *return*, duly and formally certified, evidencing their right, *for the time being*, to *take* their seats, and participate in the organization of the body. Whilst it may be conceded, that before a regular organization of the house is had, the "returns" of the various members are to be looked into, to ascertain whether they are in the *form* "prescribed" by law, it is denied that any action, touching the validity of such return, provided it is in the mode "prescribed" by law, can be had, legally or constitutionally, until the commissioned members present shall have become, in law and in fact, a house, duly qualified to transact the business confided to, and exercise the powers conferred upon, it by the constitution. And the error, in the opinion of this committee, into which some seem to have fallen in the examination of this question is, in losing sight of the provisions of the fundamental law of the land, paramount to all others, requiring the *formation* of the house to *precede*, as it should precede, all enquiry into the elections, returns and qualifications of its *members*, except the simple and necessary duty, prior to a full organization, of ascertaining that the returns are in the prescribed form—contending, as they appear to do, that, prior to such organization as a legislative body, a mere assemblage of individuals, acting without a record or journal of their proceedings, injoined upon each house by the constitution, irresponsible to the people, sitting amidst tumult and disorder, may disfranchise whom they

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will, and declare themselves alone to be the only true legally qualified representatives. The wisdom and forecast of the framers of the constitution are conspicuously exhibited in the language they have used upon this most interesting subject. It was to guard against the possibility of a state of things such as has arisen in the New Jersey representation—to guard against the throes and convulsions which must too often attend political assemblies, in times of high party excitement, when we are too apt to forget right in struggling for political victories.

If the principle be conceded, that before the organization of a legislative body, a portion or a majority of the individuals claiming membership, may assemble and decide upon the rights of others, may erect themselves into a tribunal to pass upon the credentials and commissions of such others, though in perfect and legal form, to exclude from their deliberations all who may be obnoxious, or to admit such as shall be acceptable, to carry on the system of purgation until their passions, or prejudices, or interests shall be satisfied, it requires no prophet to foresee, and, foreseeing, to foretell, that in times of party bitterness and party strife, when the wholesome restraints of law and order are most in need to check the excesses of the day, the institutions of no country can long withstand the shocks and violence with which they will be assailed.

If, before the organization of the house, the seats of members, *duly commissioned*, are liable to be contested, if the right exists at all, then is it general, and appertains to each and all. If one, holding a regular return, has the privilege to challenge the claim of another holding a like return, such privilege is necessarily reciprocal; and the absurd, though destructive, consequence follows, that the claim of each and all to a seat may be at one and the same time equally and effectually assailed. The challenge of one, under such circumstances, being as potent as another, no *house* could ever be formed, as required by the constitution, to "*judge* of the elections, returns and qualifications of its *members*." Organization could never be effected—the difficulty would be insurmountable, and the appalling and frightful scene would be exhibited, by so glaring a departure from the dictates of reason, and the rule of right, of a body of men *commissioned* as the law prescribes to act as the representatives of the people, becoming utterly unable to form or constitute themselves into a regular organized house duly empowered to transact the great interests of the country. It is no answer to this view of the subject to say, that it is an extreme case—the principle, which influenced the action in the New Jersey contest, leads to it.

The election in the state of New Jersey for members to the congress of the United States, is by what is understood the general ticket—and the law of that state, after providing for the transmission to the governor, by the clerks of the several counties, of the general list of all the candidates voted for, together with the number of votes received for each of them, further enacts,

"That the governor, or person administering the government of the state, shall, within five days after receiving the said list, lay the same before the privy council, to be by him summoned for that purpose, and, after casting up the whole number of votes from the several counties for each candidate, the said governor, or person administering the government, and privy council, shall determine the six persons who have the greatest number of votes from the whole state for representatives in the congress of the United States from this state; which six persons the governor, or person administering the government, shall forthwith commission, under the great seal of the state, to represent this state in the house of representatives of the congress of the United States."

It is seen by this provision of the law of the state of New Jersey, that the governor is there made, in the election of her members of congress, the *returning* officer—that he and his privy council, after casting up the whole number of votes from the several counties for each candidate, shall determine the six persons who have the greatest number of votes from the whole state—and that he shall *forthwith commission*, under the great seal of the state, such persons to represent the state in the house of representatives of the congress of the United States.

In pursuance of the duty injoined upon the executive of that state, the governor delivered to each of the six individuals ascertained by himself and the privy council to be entitled thereto, a commission as follows:

"STATE OF NEW JERSEY.

To John B. Aycrigg, *of the County of Bergen, Esquire, Greeting:*

It appearing to the governor of the state of New Jersey, and the privy council thereof, that you have been elected by the people of the state of New Jersey to represent the said state in the house of representatives of the twenty-sixth congress of the United States: You, the said John B. Aycrigg, are therefore commissioned to represent the state of New Jersey in the house of representatives of the United States during the twenty-sixth congress.

In testimony whereof, &c.

Signed, WM. PENNINGTON.

By the governor,

JAMES D. WESTCOTT,
Sec'y of State."

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A similar commission, both in form and substance, was delivered to the other five individuals, declared by the governor and privy council to have been elected. One of the individuals thus commissioned, to wit, Jos. F. Randolph, was, by virtue of the commission he held and exhibited, allowed to enter the hall of the house of representatives, and to participate with others then and there assembled, claiming to be members thereof; and though, for *the time being*, the other five representatives of the state of New Jersey stood there on the same equality with others, clothed precisely with the same title papers that any other person held from any other state, these representatives, so commissioned, by an unorganized collection of persons, claiming membership for themselves, were expelled from the doors of the capitol, and denied all privilege, as well as all participation in the proceedings and deliberations of such meeting. Can it be said that such a proceeding, so subversive of all order and decorum, so disorganizing and revolutionary in its character, is in accordance with the provision of the constitution of the United States, conferring upon *each house* the power of "judging" of the "returns" of its own "members?" It will be recollected that the language of this instrument is "*elections, returns and qualifications of its own members.*" When each subject matter of this clause is examined, it will be seen that it consists of three, each separate and distinct, though all combined in order to ascertain the right to *membership.* It is the election, the return, and the qualification of the individual. He may, for instance, be duly *elected*, but unduly *returned*—he may be both duly elected and duly returned, but be *unqualified* from some personal disability to be a member of the one or the other house of congress—he may be duly returned and altogether qualified, but not be duly elected. These several distinctions are evident—and these distinctions must be recognized in order to a true and correct exposition of the subject before us.

The power then to "judge" of the "returns" of its members by either house is what? for upon a correct reading and understanding of this clause of the constitution necessarily depends the approach to a correct result in our investigation. The *election* of the individual being one thing, and the *return* of such election, as "prescribed" by law, wholly another, the power thus conferred upon either house of judging of the *returns* of its members, is neither more nor less than the power of ascertaining by examination of such return, whether it conforms to the law under which it purports to have been made—whether the credential of the individual claiming under it a seat in the house to which it applies is such, *upon its face*, as the law prescribes, and as entitles the holder, for the time being, to such seat. And as already remarked, so far as the view of this committee is concerned, it may be conceded that such examination of the return should precede the regular and full organization of the body. But if, upon such examination such return is according to law, then, in the opinion of this committee, such person, upon the meeting and organization of the house, has the full and unquestioned right to *take* his seat therein, and to hold the same until, upon after examination, should a question arise as to the validity of his claim, it shall appear that he was not duly *elected*, or if duly elected, is not *qualified* as the constitution requires. The "*returns*," then, contemplated by this instrument, and to which the house has a *right* to look, under this word, as used in the 5th section of the first article, are the *credentials* required by law to be furnished to the individuals declared to be elected—and never could intend of itself, to authorize, not the *house*, but an unorganized assemblage of persons, in the name of the house of representatives, to look into all the "returns" of the various counties of a state, and all the precincts of those counties, where the election has been in a state voting by general ticket, or to look into the returns from the several counties and precincts composing an election district, where the election shall have been, as in Virginia, by districts.

In this conclusion, plain as it seems to this committee, and as self-evident as they think it would appear to all unprejudiced minds, they are fortified by an authority which for ages has governed and regulated the action and organization of legislative bodies both in England and in this country—and which, at least, should be looked to as an impartial umpire upon the present occasion. This authority is the *Lex Parliamentaria*—the language of which, page 229, is, "*If a sheriff shall return one for knight of the shire, who was unduly or not at all elected, yet, he that is so returned remains a member of the house till his election be declared void.*" And so the constitution of the United States evidently recognizes the individual so holding the return as a *member*, for the time being, entitled to all the privileges and immunities of such—exempting him from arrest, except for certain offences, in all cases, "in going to or returning from the house"—for should an individual, on his way to congress, clothed with the regular commission of membership, be arrested, except for "treason, felony and breach of the peace," could any doubt but that such arrest would be a plain and palpable violation of privilege—that such individual ought not, and would not, upon an exhibition of his commission, be forthwith discharged; and that the person causing such arrest, if apprised of the facts would not himself be liable to arrest for such breach of privilege, by order of the house, to which the member was repairing? Would not the "*return*" or commission held by such member, when exhibited, be *conclusive* upon the question of privilege, and the right to a discharge? And if this be so, what is it that throws around the individual so much sanctity, and serves as a shield to protect his person, but the commission which he bears about him? Can it enure to operate thus far, and when the bearer of it shall have reached his place of destination, shall present himself in the name of his constituents as their representative, shall exhibit the official evidence of the high character in which he comes, shall it be said that any who may appear to contest his right, to challenge the validity of his *election*, upon the mere allegation of fraud in the *election*, or in the officers conducting it, or in the procurement of the return, or that illegal votes have

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been admitted, or legal votes rejected, and that such person is not entitled to the *return* he holds, shall this be sufficient, in an instant, to cancel such return, to nullify its authority, and repel the individual from the house? If so, then the return required and "*prescribed*" by law is as vain and as useless, as the law is impotent and worthless: for in cases where no contest arose as to the title to seats, it might be safe to admit persons, claiming to be members, upon the public notoriety of the fact—and it is only where a contest does arise, that the *return* is important as to the individual who, in the *organization* of the house, is, for the time being, entitled to the seat.

It is *after* the house shall have been *organized*, after each and every individual, having a duly authenticated return of his election, shall have claimed, and is in the actual occupancy of a seat, that any contest as to the *election* can properly arise—when any question as to the *election*, can or ought to be made—when, under the evident meaning and plain intent of the constitution, the powers and duties of the *house*, as to "judging" of the *election* of its members, commences—and when the entire subject, as well the *election*, as alleged fraud in the *return*, is fully open to investigation, and to the unrestrained action and disposition of the body.

To say, before the organization of the house, the *election* of an individual, duly returned and commissioned, is a proper and legitimate subject of enquiry, that, at such time, upon the allegation, that the party has not been duly elected, though he may be duly returned, a right exists to travel *behind* the return, to examine into the whole election, to ascertain the validity of votes, to scrutinize the entire poll of a district, or, as in New Jersey, of an entire state, to exclude the returned member from his seat until an investigation, requiring weeks or months to accomplish, shall be effected, and this upon the mere assertion that the party returned is not elected, is to disregard every principle of parliamentary law, and the well settled and immemorial usage of every legislative body.

It will be seen, in the view your committee have taken of this subject, they have looked, as they think they could only look, to the period of the organization of the house of representatives, and to the period when an individual, claiming a seat in that body, presents himself there with the regular and legally authenticated commission which, upon its face, entitles him so to appear—that, *at such time*, he is, from immemorial usage, from the law of parliament, and from the constitution of the United States, as your committee construe it, fully and legally entitled to the seat: that he must, for the time being, be admitted—that no right exists, *at the time*, to look behind the return he holds—that the *election* and all circumstances attending it, are not and cannot *then* be a legitimate subject of enquiry—that they are matters for *after* investigation, wholly distinct from the *return*.

If long existing practice at home, invariably governing the action of the legislature of Virginia in similar cases, was needed to sustain your committee in the position they have assumed, they might, they think, with entire confidence, appeal to our own journals, and to our unbroken and settled course of action upon cases similar to the one under consideration. It is known, that, in no instance, since the legislature of Virginia had an existence, did the slightest difficulty exist, in the organization of the two houses, in admitting to seats all persons having the duly authenticated returns—and this too, when a session of the house of delegates never commences that the seat of some individual is not contested upon the ground that another, in fact, was elected and entitled to such seat, or upon allegations of fraud in the election, and, sometimes, of fraud in the return. And your committee believe, they may with like confidence assert, that no case has ever occurred in either house of the congress of the United States similar to the recent action of the house of representatives in excluding the members commissioned from the state of New Jersey.

If your committee be wrong in the sense they have considered this question, and if the result to which their investigation has brought them be alike erroneous, then the startling consequence is exhibited, that, in the organization of each house of representatives, the great majority of the states of this Union hold their title to representation in that body by a tenure most frail and uncertain—liable, whenever caprice, or passion, or interest shall create a combination among some seven or eight of the largest, to be expelled from the hall, and disfranchised during the pleasure of a heartless or corrupt majority. The ratio of representation in the popular branch, gives to some seven or eight states a majority of the whole vote of all the states—and can the principle be right, or the argument sound, which leads to results so dangerous, so disastrous, so utterly subversive of the institutions of the country?

Under a certain contingency, the election of president of the United States devolves upon the house of representatives. In such election, the states, through their respective delegations, give but a single vote each: a quorum for such election consisting of a member or members from two-thirds of the states, and a majority of all the states being necessary to a choice. And when this high office, at all times a subject of bitter political strife, arraying the community in angry contests, ramifying itself into all the lanes and avenues of society, and spreading its baneful influence in all our borders, when this great prize is to be played for in the hall of the house of representatives, do we not see, if the rejection of the individuals commissioned from the state of New Jersey can be sustained upon any principle of reason or of law, that the voice of *one third of the states* in such election may be easily stifled, and the partizans of the one or the other ambitious aspirant elevate him to the gaol of his desires, whilst in a full and fair expression of the will of all the states, if present and heard upon the occasion, some more acceptable rival would be the chosen officer? All this too would be done, if the recent outrage upon

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the rights of New Jersey can be defended, under the *forms* and in the *name* of the law. It is no answer to say, that revolution would follow so glaring an outrage upon the rights of the people and the sovereignty of the states. Governments were formed to prevent anarchy and revolution, to restrain violence, to protect the weak against the strong, and to advance the happiness of its people. Prudence dictates to us not to await the coming of events, destructive and fatal in themselves; but, by timely foresight, to bring around the institutions of the country all the necessary guards, and, by preventive and timely measures, avert the direful consequences which evil precedents tend to create.

In accordance with these views, your committee recommend the adoption of the following resolutions:

1. *Resolved*, "That the late acts of a portion of the representatives from the several states, by which five of the persons who were duly commissioned under the great seal of the state of New Jersey, as her representatives in the 26th congress of the United States, were prevented from exercising their rights and discharging their duties as such representatives, were a" flagrant abuse of power, a palpable violation "of the parliamentary law, established by reason and unvarying usage, a precedent of most alarming and dangerous character, and an outrage upon the rights and feelings of the people of New Jersey."

2. *Resolved*, That each state of this confederacy should make common cause with her sister state of New Jersey—should deem the injury to her as an injury to all—and should use their best efforts to restore the said state to her constitutional position in the Union.

3. *Resolved*, That each state, as the law now is, has the sole, absolute and unqualified right to prescribe the mode and manner of its elections of members to the congress of the United States, as well as the form and character of the commission or return which its respective representatives should bear with them to that body.

4. *Resolved*, That the governor of this commonwealth transmit a copy of the foregoing report and resolutions to the senator and representatives in congress from this state, with a request that the same be laid before the two houses of congress; and that he be requested to communicate a like copy to the executive of each state in this Union, with a request to submit the same to their respective legislatures.

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[DOC. No. 61.]

BOARD OF PRINCIPAL ASSESSORS.

RICHMOND, FEBRUARY 20, 1840.

SIR,

I have been directed by the general board of principal assessors to transmit to you, for the information of the house of delegates, a table shewing the total value of the lands and town lots in this commonwealth, under the assessment made in pursuance of the act of the general assembly, "authorizing a re-assessment of the lands of this commonwealth," passed the 14th March 1837.

A more detailed report will be communicated so soon as the tables of assessment are copied and examined by the board.

I have the honour to be,

Sir,

Most respectfully,

Your obed't serv't,

H. R. ANDERSON, *President*
Of the Board of Principal Assessors.

THOMAS W. GILMER, Esq.
Speaker of the House of Delegates.

A TABLE *shewing the result of the Assessment of the lands and lots in the Commonwealth of Virginia in the year* 1838.

DISTRICTS.	Number of acres of land.	Sum added to the land on account of the buildings.	Value of the land including the buildings.	Value of the town property in each district.	Total value of the land including buildings and town property.	Average price of land per acre including buildings only.
Total amount of the 1st District, -	6,313,656	9,044,887 00	42,905,879 55	17,804,753 20	60,710,632 75	$6 80
" " 2d District, -	9,700,905	10,657,351 65	65,664,948 12	3,380,670 28	69,045,618 40	6 77
" " 3d District, -	6,146,250	7,950,082 64	39,958,548 77	2,871,864 65	42,840,413 42	6 50
" " 4th District, -	25,887,084	4,122,596 03	34,235,936 03	4,202,054 25	38,437,990 28	1 33
General result, -	48,047,895	31,775,517 32	182,765,312 47	28,259,342 38	211,034,654 85	General average, 3 80

A copy—Teste,

LEWIS B. WILLIAMS,
Clerk of the General Board of Principal Assessors.

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[DOC. No. 62.]

SUBSTITUTE

PROPOSED BY THE

MINORITY OF THE SELECT COMMITTEE

ON THE SUBJECT OF THE

CONTESTED ELECTION FROM THE STATE OF NEW JERSEY,

In the Congress of the United States.

The committee to whom was referred certain resolutions from the legislature of the state of New Jersey, beg leave to

REPORT:

That the subject matter set forth in said resolutions, and the protest accompanying the same, affecting as they do, the rights and powers of the states and the general government, are of deep and abiding interest. They are entitled to and should receive a calm and dispassionate consideration, separate from all party bias or feeling, so that the judgment passed on them by the general assembly may stand the test of time, and meet the approval of those who are to succeed us.

The matters complained of by the legislature of New Jersey are substantially these: That five persons who are alleged to have been duly commissioned as representatives of the people of the state of New Jersey in the 26th congress of the United States, at the time and place prescribed by law for the meeting of that congress, appeared and produced their commissions as such representatives, and claimed the right to act with the representatives from the other states in forming and organizing a house of representatives, but were prevented from so doing, and are still excluded from any participation in their proceedings, by which acts the people of New Jersey are deprived of their just voice in the councils of the nation, and a precedent is sought to be established, which if not promptly and successfully resisted may hereafter be used to justify the rejection of electoral votes, or the exclusion of any number of duly commissioned representatives that a designing and unprincipled faction may deem necessary, to secure the control of the national legislature.

In view of these alleged matters of grievance, the legislature of New Jersey have adopted sundry resolutions, setting out in substance,

That the state of New Jersey is of right entitled to six representatives in congress:

That until congress shall by law make some regulation on the subject, the legislature of each state has full and exclusive power to prescribe the times, places and manner of holding elections for representatives, which necessarily includes the power to prescribe the manner in which the result of the elections shall be ascertained and certified:

That as the legislature of New Jersey has prescribed a commission granted by the governor under the great seal of the state, as the only mode in which the election of her members shall be officially certified, such commission confers on the person to whom it is given a perfect right to claim and exercise all the powers and duties of a representative until a regularly constituted and organized house of representatives after due examination shall have solemnly adjudged that he is not elected, or not qualified:

That the house of representatives cannot be constitutionally and lawfully organized and invested with any authority, judicial or legislative, while a single representative from any state duly returned and commissioned according to the laws of that state is excluded from his seat: and

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That the late acts of a portion of the representatives from the several states in relation to the commissioned persons from New Jersey, are a palpable violation of the constitution of the United States, and of parliamentary usage, an alarming precedent, and a gross outrage upon the rights and feelings of the people of New Jersey.

Your committee would remark, that it is evident, that the statement above referred to, bears the impress of feeling—and it is equally evident, that the resolutions following it, are founded on erroneous principles. In regard to the statement, the facts have become matters of history, and it is proper they should be adverted to.

At the opening of the session of the 26th congress, eleven gentlemen appeared from New Jersey claiming to be members of the house of representatives. To one of these there was no objection. He was admitted to have been elected by a majority of the votes. Five of the remaining ten produced commissions from the governor of New Jersey, reciting that they had been elected as representatives of the state—and five produced the returns from the whole state, shewing that they had received the greatest number of votes, and that the commissions or certificates of the governor, were untrue in point of fact, and not in conformity with the law. They impeached the return of the governor, which was merely *prima facie* evidence, and proved by the best and highest evidence, to wit, by the returns of the election officers themselves, that the commissions or returns of the governor were founded in mistake or fraud. Under these circumstances the clerk referred it to the house, to determine who of the ten persons claiming to be members should be received as such. In this he acted correctly. There is no law which throws the responsibility of such decision upon him, and he was right in not assuming it. The house decided, that the persons holding the commissions should not be received until an investigation could be made, and neither of the opposing claimants were admitted. In so doing, your committee are of opinion that the house of representatives acted in strict conformity with its own powers under the constitution of the United States. That constitution makes it the judge of the "elections, returns and qualifications of its own members." This is a power expressly given, and must be, of necessity, an exclusive power. The commission of the governor of New Jersey, under the laws of that state, is neither more nor less than a return to congress of the result of the election. According to the laws of New Jersey, it is to be given to the six persons who have received the greatest number of votes from the whole state. It must rest on that basis, or it is invalid and void. It is not a *mandate* to congress, which that body is bound to obey. It is clothed with no peculiar prerogative, because under the great seal of the state. The person holding it, has no higher right or title to membership in congress, than he who presents himself with the humble certificate of the sheriffs of a district. Both are in their nature and essence, simply the modes adopted by the states of making known to congress the result of the elections of its members. In the state of New Jersey, the mode of ascertaining and certifying the result of the election of members of congress is more complicated than in some other states. Elections are held in each township by officers appointed by the people. These officers send up the result to the clerks of the several counties, who send up aggregate lists or returns to the governor; and that officer with his privy council casts up the result of the whole, and transmits it to congress through the medium of a commission to the persons having the greatest number of votes from the whole state. All this process constitutes the "returns," under the constitution, and of these returns congress is made the judge. In the instance complained of, they exercised their judgment. The commissions were impeached by evidence of a primary and higher character—shewing that they did not rest upon the vote or voice of a majority of the people, which alone could give them efficacy; and upon this, it was the bounden duty of congress to adjudicate in such mode as they might adopt. And in doing so, they violated no right or privilege of the state of New Jersey or any other state.

It is said, however, by the first resolution of the legislature of New Jersey, that that state is entitled to six representatives upon the floor of congress. Of this there is no doubt. But it cannot be inferred from that fact, that congress are to receive as such representatives, those who are not properly elected or returned. Whether representatives or not, is for the judgment of congress. If a governor should undertake to commission persons as representatives, when in fact there had been no election held, it will scarcely be pretended that congress should on the objection being made, and the truth of it shewn, admit them as members of the house.

But it is contended in the second resolution, that the legislature of each state has by the constitution, full and exclusive power to prescribe the "times, places and manner of holding elections for representatives;" and that this necessarily includes the power to prescribe the manner in which the result of those elections shall be ascertained and certified.

And again, in the third resolution, that when the election is officially certified, and a commission given, it gives a perfect right to the person holding it, until a regularly constituted and organized house shall have solemnly adjudged that he is not elected or not qualified. Or in other words, it is contended, that the states have the right, and the exclusive right, of prescribing the mode of returning members of congress, and that the return is conclusive on the house, until an investigation is made of the election or qualification of the person holding the return.

These principles will be considered together. They are insidious in their tendency, because calculated to awaken the pride and jealousy of the states—but a little examination will suffice to shew that they are as unsound as they are dangerous.

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They assume that in the power of prescribing the "times, places and manner of holding elections for representatives," is necessarily included the power to prescribe the manner in which the result of those elections shall be ascertained and certified, and that the result as certified is conclusive. In this we must take leave to differ from the legislature of New Jersey. We hold, that by the constitution of the United States, congress has the right, and the exclusive right, to judge of the "elections, returns and qualifications of its own members." There is a plain distinction between the elections and the returns of members. When the one ends the other begins. A person may be elected and never returned—or returned and never elected. Congress, it is true, is the judge of both—but it has made a distinction between them, and it is important to preserve it. What then are we to understand by the term "*returns*?" Can it mean any thing else than the prescribed evidence which shews the result of the election? It cannot be the election itself. It must be subsequent to the choice made by the people, and it can be nothing more than the mode adopted for ascertaining that choice. This mode, it is admitted, is usually prescribed by the states, but it forms no part of their exclusive power. Congress has the right to judge of it, and has always exercised that right. If the doctrine asserted in the resolutions be true, that the states have power, and exclusive power, to prescribe the mode of ascertaining and certifying the result of the elections for congress—or, in other words, of prescribing the mode and form of the returns of the elections,—and if the further doctrine be true, that such mode and form shall be obligatory upon congress, and that a party *returned* as a member from a state, is to be held duly returned, until upon investigation he is declared not *elected*, or not *qualified*, then it is perfectly plain, that congress has no power to judge of the returns of its own members. It can only judge of their elections and qualifications. And why has it no longer the right to judge of the returns of its members? Because those returns being prescribed by the state laws, constitute a part of their exclusive power of prescribing the "times, places and manner of holding the elections." The proposition involves an absurdity. It claims for the states a right which is expressly granted to congress by the constitution, and which must necessarily be an exclusive right. Power being given to the states, or left with them, to prescribe "the times, places and manner of holding elections for representatives," it is claimed by these resolutions that they have as a necessary incident thereto, the right of prescribing the form and manner of the returns—and that these returns are conclusive upon congress. Then it is plain, if this be correct, that congress has no longer the right to look into or judge of the returns of its own members. The power given by the constitution means nothing. The exercise of that power for half a century is of no avail. The term used in the constitution is expletive or senseless. There can be hereafter no question raised as to the correctness of a return. There can be no contest, except as to elections. If a return of votes from an inferior election officer is not made in time, according to the provisions of the state laws, or is suppressed, and therefore not counted, congress has no power to correct the error, or remedy the mischief. It would be easy to pursue the argument, and expose still further the fallacy of the principles adopted in the resolutions—but we think it unnecessary. We hold it to be entirely clear, that congress is the judge, and the sole judge, of the returns as well as the elections of its own members; and although the mode of making the returns may be prescribed by the laws of the states, for the sake of convenience, it can in no wise abridge or take away the constitutional power of congress to sit in judgment upon their correctness and truth.

It remains to be considered whether congress exercised its power properly.

The time and manner in which congress may judge of the returns of its members is not defined—but the power is to be exercised, so as to subserve best the purposes for which it was given. The examination of the returns of members would seem to be preliminary to organization, that the purity of the body may be ensured, and the rights of the people of the states and of the Union protected. These are the objects for which the power was granted. If it cannot be exercised before organization, it follows necessarily, that the returns of members must be considered as conclusive evidence of right, at one time, and *prima facie* evidence at another. They must be absolute as to the right of membership, and *prima facie* as to the continuance of the right. Such a proposition cannot be maintained. All returns are but *prima facie* evidence of right—and the house is bound to pass upon that right when it is disputed, and to do it at such time and in such mode as will most effectually guard the house against the mistakes or frauds of the returning officers. It may be done at the bar of the house. It may be done by committee or in such other way as the house may direct. In this instance, the house decided upon the evidence before it, that neither set of claimants should take seats until an investigation was had, and directed such investigation to be by committee. It is no objection to the proceeding that it was adopted before the election of a speaker. The existence of a house is not a consequence of such election. A house is constituted by the assembling together of the representatives from the different states. It is the house thus constituted that elects a speaker, and has right before such election to look into and judge of the returns of its members. If there can be no such judgment in any case until the house is organized by the election of a speaker, and those are allowed to participate in such organization who have no right in truth or in fact, then the most important powers of the representative are exercised, and in such way perhaps as to secure seats in the house for a long time, if not permanently, to persons who were never elected by the people. This would be giving power to the returning officers of a state, from the highest to the lowest grade, to return members to congress who were repudiated at the ballot-boxes, and thus secure the organization and control of the national coun-

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cils. This is a temptation which, in times of party excitement, might frequently prove too strong, and induce these officers, or some of them, to treat elections as though they had not taken place. A more striking instance of the danger of any limitation of the power of the house of representatives, such as is contended for, cannot be adduced than the case from New Jersey. It was a matter of public notoriety throughout the country, that the five persons who had received commissions from the governor of that state had not received a majority of the votes, and were not the choice of the people. The returns of the votes from two entire townships had been intercepted and suppressed by the returning officers, which altered the result of the whole election. The fact was known to the governor and his council, at the time of the official canvass of the votes. They refused to send for such returns, or to supply them in any way. They refused to count them when they were brought before them, and when their truth was undisputed. They alleged, with what propriety, it is not material now to enquire, that they had not the power to do it, and expressly declared that it was for congress to correct the error, and count the additional votes for those who were entitled to them. These facts were all before the house by unquestionable evidence. The official canvass was there, and also the minutes of the proceedings of the governor and council, by which it appeared that the votes of two townships were not included in the canvass. The official returns from those townships were also there, from all which it was as clear as evidence could make it, that the persons commissioned were never elected by the people. And yet they claimed to take seats and direct the councils of the nation. Under such circumstances, had congress admitted them to participate in its proceedings as members, it would have been a subversion of principle, a participation in the fraud, and a palpable violation of the rights of the people of New Jersey. It is the people of the states to whom the right of electing representatives is secured by the constitution, and it is the duty of congress to preserve that right inviolate, and especially to guard it against the craft, fraud, or mistakes of returning officers.

Your committee are therefore of opinion that the proceedings of the house of representatives in the matters complained of were constitutional and just, and imperatively called for by the nature of the case; that a contrary course, besides sanctioning a flagrant wrong, would have been "a gross outrage upon the rights and feelings of the people of New Jersey."

They are further of opinion that the house of representatives is constitutionally organized, and that its acts are valid; and they regret that the constituted authorities of the state of New Jersey, instead of aiding the house in doing justice to the people of that state by giving them their proper representatives, have adopted a course tending to embarrass and defeat the investigation of truth, and assumed principles, which are unconstitutional, and, if carried out, must endanger the Union.

Resolved, That the governor of this state be respectfully requested to forward a copy of the foregoing report to the governor of the state of New Jersey, with a request that he would lay the same before the legislature of that state—and also a copy to the speaker of the house representatives with a request that he would lay the same before the body over which he presides—and also a copy to each of the members of said house from the state of Virginia.

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[DOC. No. 63.]

REASSESSMENT OF LANDS.

AUDITOR'S OFFICE, March 2, 1840.

SIR,

In compliance with the resolution of the house of delegates of the 28th ult., calling for a statement of the cost attendant upon the reassessment of lands—I have to state that the amount

expended prior to the 1st of October last, is - - - - -	30,432 97
And since that period up to the present time, - - - - -	23,510 76
	$ 53,943 73

It is impossible to estimate with any kind of accuracy what sum will be required to complete the work. The tables to be certified by the board of principal assessors, as well as the copies for the commissioners of the revenue, are yet to be paid for, and the distribution of the latter when completed, will be attended with considerable expense. It is probable that the whole cost to the state will exceed $ 60,000.

I am sir,

With high respect,

Yours &c.

JAS. E. HEATH, *Auditor.*

The honourable the Speaker of the House of Delegates.

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[DOC. No. 64.]

REPORT

OF THE

COMMITTEE OF FINANCE,

UPON THE REVENUES AND EXPENDITURES AND DEBT OF THE COMMONWEALTH.

The committee of finance have, according to order, examined into the state of the debts due from the commonwealth, the probable revenue and expenses of the government during the fiscal year ending the 30th September 1840, and have prepared a report thereupon, which they now respectfully submit:

ESTIMATE OF THE EXPENSES OF GOVERNMENT DURING THE CURRENT FISCAL YEAR

Expenses of the general assembly,		96,000 00
Civil list, or officers of government,		80,000 00
Commissioners of the revenue, and clerks for examining commissioners' books,		32,000 00
Criminal charges, including guards of jails,		38,000 00
Interest on certain certificates of public debt, viz:		
Interest for one year on 7 per cent. debt due the literary fund,	22,330 00	
Half year's interest unpaid on the first October last, but chargeable on the present fiscal year,	11,165 00	
One year's interest on 6 per cent. debt held by the literary fund,	1,442 35	
One year's interest on 5 per cent. stock subscribed to the Chesapeake and Ohio canal company,	12,500 00	
Amount of interest on said debt unpaid on the first October last,	375 00	
Interest on $298,700 certificates issued to pay state subscription to the stock of the Exchange bank,	17,922 00	
Balance chargeable on the year, remaining unpaid on the first October,	39 03	
Interest on $88,592 certificates issued to pay commonwealth's subscription to the stock of the Northwestern bank,	5,315 52	
		71,088 90
Contingent expenses of courts, including pay of attorneys, clerks, sheriffs, jailors, &c.,		27,000 00
Pensioners,		1,600 00
Civil contingent fund,		10,000 00
Militia establishment,		22,000 00
Penitentiary house, viz:		
Internal charges for rations, &c.,	6,000 00	
Officers' salaries,	8,200 00	
Transportation of criminals,	6,000 00	
		20,200 00
Adjutant general's salary,		500 00
Reports of cases in court of appeals and general court,		4,700 00
Vaccine agent,		500 00
Expense of representation to congress and state senate,		500 00
Public warehouses, pay of superintendents, repairs, &c.,		1,500 00
Civil prosecutions,		300 00
Public arsenal at Lexington,		2,400 00

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Slaves transported and executed,		13,000 00
Military contingent fund,		1,000 00
Lunatic hospital at Williamsburg,	14,156 90	
Lunatic hospital at Staunton,	14,368 95	
		28,525 85
Expense of transportation and maintenance of lunatics in county jails,		7,000 00
Public guard in city of Richmond,		22,000 00
Collection and transportation of arms,		300 00
Public roads,		20,000 00
Repairs of arms at armory, pay of artificers, &c.,		3,500 00
Geological survey,		8,000 00
Military school at Lexington,		6,000 00
Board of public works, for interest on public debt, loans for internal improvement,		204,662 63
Repairs to hall of house of delegates,		1,275 00
Reassessment of lands,		50,000 00
To pay James river company for rent of water, armory, &c.,		1,920 00
		$775,472 38

PROBABLE RECEIPTS DURING THE CURRENT FISCAL YEAR.

From taxes on lands,		191,346 88
lots,		46,418 87
slaves,		70,412 10
horses,		24,050 88
studs,		12,503 18
coaches,		17,304 19
stages,		62 00
carryalls,		2,127 15
gigs,		3,927 80
licenses to merchants, brokers, jewellers and auctioneers,		76,041 53
ditto to pedlars,		2,675 00
ditto to ordinary keepers,		18,476 18
ditto to keepers of houses of private entertainment,		2,538 50
ditto to venders of lottery tickets,		3,335 63
ditto to exhibitors of shows,		1,170 00
tax on merchandize per act of 10th April, 1839,		2,787 50
		475,177 39
Deduct as the estimated amount of insolvents, overcharges &c.		3,500 00
		471,677 39
Deduct sheriffs' commissions of 5 per cent.,	23,583 86	
Do. do. do. of 2½ per cent. for prompt payment, estimated,	9,000 00	
		32,583 86
		439,093 53
Add estimated nett amount from the counties of Isle of Wight and Patrick, from which returns have not been received,		3,950 00
		443,043 53
From militia fines and arrearages,	15,000 00	
tax on law process and seals of courts,	20,000 00	
tax on the great seal and notarial seals,	5,000 00	
land office fees,	1,500 00	
duties on tobacco shipped and sales of waste tobacco,	3,600 00	
sale of waste and unappropriated lands,	500 00	
redemption of delinquent lands,	1,000 00	
sale of articles manufactured at penitentiary,	8,000 00	

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From sale of condemned slaves, - - - -	12,000 00	
dividends on bank stock and interest on loan to the Richmond and Petersburg rail-road company, - - - -	107,767 88	
		174,367 88
The total estimated receipts will amount to - -		$617,411 41

RECAPITULATION.

Balance remaining in treasury on the 1st October 1839, exclusive of amount standing to the credit of the Washington monument fund, - - - -	17,396 95
Estimated receipts for the fiscal year, which will terminate on the 30th September 1840, as above,	617,411 41
Probable balance against the treasury, or deficit on 1st October 1840, - -	140,664 02
	$775,472 38
The total estimated expenses during the same time, viz: to 1st October 1840, as per the foregoing, - - - - - - -	$775,472 38

The committee deem it unnecessary to report specifically the public debt, inasmuch as that matter has already been reported to the general assembly by the first and second auditors.

The statement of expenditures given, are those of the ordinary current expenses, together with a very heavy increased expenditure arising from the reassessment of the lands of the commonwealth.

The appropriations made during the present session are inconsiderable. Those appropriations, together with a judgment obtained against the commonwealth, in favour of the heirs of Robert George deceased, will probably amount to the sum of twenty thousand dollars.

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ESTIMATE *of the probable Receipts from the items only, upon which it is proposed to increase the rates of Taxation during the current fiscal year,* (1840).

	Number.	Present Amount.	Rate of Increase.	Amount Additional.	Making.
On lands, - - - -	-	191346 88	2½ cents.	47836 72	239183 60
Lots, including not rented or occupied and unimproved, - - -	-	46418 87	75 cts. & 15 cts.	15472 95	61991 82
Slaves, - - - -	234707	70412 10	10 cents.	23470 70	93882 80
Horses, - - - -	300636	24050 88	4½ cents.	13528 62	37579 50
Coaches, - - - -	7280	17304 19	¼ per cent.	4326 04	21630 23
Stages, - - - -	22	62 00	¼ "	15 00	77 00
Carryalls, - - - -	2088	2127 15	¼ "	531 78	2658 93
Gigs, - - - - -	6347	3927 80	¼ "	981 95	4909 75
Licenses to merchants, brokers, jewellers and auctioneers, - - -	-	76041 53	Add ¼,	19010 38	95051 91
Pedlars' licenses, - - -	-	2675 00	Add ⅓,	891 00	3566 00
Ordinary keepers, - - -	-	18476 18	3 per cent.	554 28	1554 28
			Reduction in limitation of value.	1000 00	
Houses of private entertainment, -	-	2538 50	At $3 increase,	3000 00	3063 00
			and at 2½ p. ct.	63 00	
Venders of lottery tickets, - -	-	3335 63	Doubled,	3335 63	6671 26
Exhibitors of shows, - - -	-	1170 00	Add $20,	780 00	1950 00
Law process, - - - -	-	20000 00	Add ¼,	5000 00	25000 00
Tax on notarial and great seals, -	-	5000 00	Add ¼,	1250 00	6250 00
Land office fees, - - -	-	1500 00	Add ¼,	375 00	1875 00
				$141423 05	

NOTE.—This table, from the want of the necessary data in several instances, and the complicated nature of the estimates, to be made according to the variations in the rate of increased taxation, and the various modes of charging the same, together with the haste with which it has been prepared, cannot be relied upon as exact, but approaching sufficiently near to exactness, to shew the amount which the proposed increase of taxes will produce.

March 2, 1840.

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[DOC. No. 65.]

REPORT OF THE SECOND AUDITOR.

SECOND AUDITOR'S OFFICE,
4TH MARCH 1840.

SIR,

In obedience to a resolution of the house of delegates of the 3d instant, I have the honour to make the following

REPORT:

The amount of the sinking fund at this time is $60,007 45, of which $50,000 was received on the 27th November 1835, under the operation of the act of 10th March in the same year, creating the fund—and $10,007 45 is the accumulation from the interest received on the investments to the 1st January last. Since November 1835, the treasury has not been in a condition to appropriate any further sum to this object. Investments out of the above mentioned receipts to the amount of $60,006 have been made in stocks of the state, viz: $50,000 of 5 per cent. and $10,006 of 6 per cent., leaving a balance in the treasury of $1 45.

A statement is herewith sent which shews the several items of receipts and disbursements. To make these stocks available they must either be sold for money or paid as money to persons having claims on the commonwealth. At the present time par cannot be obtained even for the 6 per cent. stock in money; the 5 per cent. could only be disposed of at a considerable discount, and therefore it is not to be expected that it would be received at par in payment of claims.

Under these circumstances I do not see how this fund can be made "available to meet the existing engagements of the state."

With great respect, sir,

Your obedient servant,

J. BROWN JR.
Second Auditor.

The honourable the Speaker of the House of Delegates.

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DR. THE COMMISSIONERS *of*

RECEIPTS.

1835—Nov. 7—To this sum received from the commonwealth, being so much appropriated under act passed 10th March 1835, to create a sinking fund,							50,000 00
1836—July 23—To interest on above from time of investment (30th April 1836) to 1st July 1836, at 5 per cent.,							417 80
1837—Jan. 28—To interest for six months, ending 1st inst.,							1,250 00
Aug. 23—To interest for do. 1st July,						1,250 00	
Interest on $ 1,600, 6 per cent., 121 days,						31 82	
							1,281 82
1838—Jan. 29—To "	50,000, 5	"	6 months to 1st inst.,			1,250 00	
	2,900, 6	"	different periods,			72 44	
							1,322 44
July 25—To "	50,000, 5	"	6 months to 1st inst.,			1,250 00	
	4,200, 6	"	different periods,			117 35	
							1,367 35
1839—Jan. 31—To "	50,000, 5	"	6 months to 1st inst.,			1,250 00	
	5,600, 6	"	different periods,			162 82	
							1,412 82
July 13—To "	50,000, 5	"	6 months to 1st inst.,			1,250 00	
	7,050, 6	"	different periods,			203 99	
							1,453 99
1840—Feb. 11—To "	50,000, 5	"	6 months to 1st January,			1,250 00	
	8,506, 6	"	different periods,			251 23	
							1,501 23
							$ 60,007 45

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the SINKING FUND, *CR.*

INVESTMENTS.

1836—April 30—By certificate of	5 per cent.	state stock, irredeemable for 20 years and afterwards at the pleasure of the general assembly,				50,000 00
1837—March 2—By	do.	6 per cent.	do.	do.	1,600 00	
Aug. 23—By	do.	do.	do.	do.	1,000 00	
Nov. 3—By	do.	do.	do.	do.	300 00	
1838—Feb. 9—By	do.	do.	do.	do.	1,300 00	
July 25—By	do.	do.	do.	do.	1,400 00	
1839—Jan. 31—By	do.	do.	do.	do.	1,450 00	
					7,050 00	
July 13—By	do.	do.	redeemable at pleasure of Board of public works, - -		1,456 00	
1840—Feb. 12—By	do.	do.	to be redeemed at end of 20 years,		1,500 00	
						10,006 00
			Total amount of state stock held by the fund, -			60,006 00
			Cash in the treasury, - -			1 45
						$60,007 45

E. E.

J. BROWN, Jr., *Second Auditor.*

March 4, 1840.

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[DOC. No. 66.]

JAMES RIVER AND KANAWHA COMPANY.

RICHMOND, MARCH 11, 1840.

To THOMAS W. GILMER, Esq.
Speaker of the House of Delegates.

SIR,

A copy of the resolution of the house of delegates of the 29th ultimo, calling upon the president or secretary of the James river and Kanawha company, for information upon sundry points connected with the fiscal affairs of the company, was received by me about the middle of the last week, under cover of a letter from the secretary. I was at that time upon the line of the canal, an hundred miles from the seat of government, pledged by previous engagements to attend personally on the 6th instant, to certain arbitrations relative to some unsettled claims for damages, in consequence of which, I was very reluctantly detained for several days. I, however, wrote to the secretary by the returning mail, stating that I should arrive here on the 10th inst., and desiring that he would respond to the call from the house of delegates with as little delay as possible. Upon my arrival last evening, I found the necessary papers in such a state of forwardness as to enable me now to make the required communication. Accordingly, I have the honour herewith to communicate to you a printed copy of the fifth annual report to the stockholders of the James river and Kanawha company, accompanied by a copy for each member of the house of delegates, and likewise the report prepared by the secretary, in obedience to their resolution of the 29th ultimo.

In the annual report, under the head of fiscal concerns, will be found:

1. A full statement of the course pursued by the president and directors of the company, in regard to the negociation of the loan authorized by the act passed by the legislature, on the 23d of March last, and of their future views and intentions upon that subject.

2. An explanatory statement relative to the resolution of the president and directors to commence the issue of post-notes at the July meeting of the board, exhibiting the reasons and considerations which led to the temporary adoption of this policy, in preference to a total suspension of the work.

3. A summary statement of receipts and disbursements, during the year ending on the 30th November last, and of the state and condition of the company's funds on the 1st of December.

In the appendix to the annual report, will be found a *detailed* statement of receipts and disbursements of the company, for the year ending on the 30th November last, and a summary statement of receipts and disbursements, from the first commencement of operations by the company up to that period.

In the secretary's report, will be found a more direct answer to the enquiries propounded by the house of delegates in their resolution above referred to.

It is proper here to state, that the usual communication of the annual report of the company to the legislature, has been delayed to a much later period than was intended, and that the delay has been produced by the unusual pressure of business upon the office of the company, for many months past, in consequence of the issue of post-notes, and by the great extent of financial details to be reported.

In conclusion, I beg leave to remark, that in consequence of the long continuance of severe frost during the winter, the operations of the company have been retarded for upwards of two months; but that the works will, in all probability, be ready for the introduction of the water about the first of May, and that the navigation of the canal will commence in the course of that month.

I am, sir, very respectfully,

Your ob't serv't,

JOSEPH C. CABELL,
P. J. R. & K. Co.

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OFFICE OF THE JAMES RIVER AND KANAWHA COMPANY,
RICHMOND, 10th March, 1840.

To THOMAS W. GILMER, Esq.
Speaker of the House of Delegates.

SIR,

The president of the James river and Kanawha company being absent from Richmond, it becomes my duty to answer, as far as I have the means of answering, the enquiries contained in a series of resolutions adopted by the house of delegates on the 29th *ultimo*, calling upon the president or secretary of the said company for certain information; to which resolutions, hereinafter replied to in their order, I beg leave to refer:

1. The company has issued engraved post-notes of the denominations of ten dollars, fifteen dollars and twenty dollars, of different dates, payable to order, at six months, and carrying six per cent. interest as follows:

Prior to the 1st December 1839, - - - -	703,960	
Subsequently to that date, - - - -	182,960	
Total,		$ 886,920

2. The aggregate amount of post-notes, issued as above, which have been redeemed, is as follows:

Prior to the 1st December 1839, - - - -	193,860	
Subsequently to that date, - - - -	216,745	
Total,		$ 410,605

Of which amount, the portions received on different accounts, are as follows:

For stock arrearages and interest, tolls, rents and other debts due the company,	90,200	
In exchange for stock of the city of Richmond and interest thereon, -	128,415	
In exchange for the company's bonds with the state's guarantee, - -	191,500	
In exchange for current funds, - - - - -	490	
Total,	$ 410,605	

3. The amount of said post-notes now outstanding is - - - - $ 476,315

4. The amount of bonds of the company guaranteed by the state, issued up to this date, inclusive, is $ 215,900; of which $ 23,600 were issued directly to creditors of the company in payment of debts, and $ 191,500 in exchange for post-notes. Of this latter amount, $ 30,600 were issued to persons who had previously received post-notes from the company in payment of debts, and $ 160,900 to purchasers of the post-notes. The whole amount of bonds so issued have been disposed of at their par value.

5. The amount of six per cent. stock of the corporation of Richmond, received of said corporation in payment of its subscription to the company, is $467,208; of which $ 371,208 have been sold, $ 82,000 are pledged with the Bank of Virginia and Farmers Bank of Virginia, and $ 14,000 remain on hand. Of the amount sold, $ 20,500 were sold to first creditors in payment of debts, $133,908 in exchange for post-notes, and $ 216,800 for current funds. The rates at which said stock was sold, and the loss to the company by such sales, are as follows:

$ 43,600	sold at	100	per cent.		
51,808	"	96	per cent., the discount being - - - -		2,072 32
262,300	"	95	" " - - - -		13,115 00
1,800	"	91	" " - - - -		162 00
500	"	90¼	" " - - - -		48 75
1,000	"	90⅛	" " - - - -		98 75
10,200	"	90	" " - - -		1,020 00
$ 371,208			Total discount, - - -		16,516 82

To this discount add ½ per cent., auctioneer's commissions on the sale of $ 11,000 of the above stock at auction, by the banks, (with whom they were pledged), - - - 55 00

And the aggregate, - - - - - $ 16,571 82

will be the loss which the company has sustained on the sale of stock of the said corporation.

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It may not be amiss, while on this subject, to add, that a balance of state stock, amounting to $13,200, which had been received by the company in payment of the state's subscription, was recently sold at 95 per cent., being the best price which could be obtained for it.

6. It would give me pleasure to be able to state, in answer to the 6th resolution of the series above referred to, "the common rate of discount, monthly, in the market, on the several scrips, bonds and stocks above specified;" but not having been conversant with the state of the market, I have not the means of giving information on this point with any degree of accuracy.

7. The amount of contracts entered into since the company began to issue their post-notes for work above Lynchburg, is estimated by the principal assistant engineer having charge of that portion of the line, at $350,000. This work is to be paid for in post-notes, convertible, six months after date, into guaranteed bonds, or in the bonds themselves, or in current funds, at the discretion of the board of directors; and it is in reference to this work that the president of the company, in his fifth annual report to the stockholders, states that "the excavation is 10 per cent., and the mechanical work (a reasonable allowance being made for changes in the specifications) 35 per cent. below the average rate of prices paid by the company for the last two years. Upon this work there have been paid, in January $311 52, and in February $541 28.

The contracts entered into for work below Lynchburg, since the company began to issue their post-notes, are mostly for jobs of small amount, such as farm and road bridges, bridge embankments, waste weirs, embankment over culverts and around locks and the abutments of aqueducts, inlet and outlet ditches to culverts, drain ditches, lock-gate valves, a lock house, a small dam, and the completion of sundry jobs which had been abandoned after commencement by former contractors; in all ninety-one, or thereabout, in number, of which fifty are already completed. The monthly payments for this work have been as follows:

In August 1839,			360 24
September "			9,909 88
October "			7,889 91
November "			21,112 55
December "			16,487 49
January 1840,			18,010 40
February "			3,036 22
			76,806 69
The amount paid on the finished jobs is		35,403 90	
The amount paid on contracts now in course of execution, is		41,402 79	
			$76,806 69

I have not in possession the means of ascertaining the amount of work yet to be done on the unfinished jobs just mentioned, but am inclined to the belief that 50 per cent. on what has already been paid will be more than sufficient to complete them.

8. The agent on the western improvements, and the superintendant of the Blue Ridge canal, have continued to retain their own salaries, and to pay the salaries of the officers and agents acting under them, out of the tolls collected from the improvements under their charge respectively, according to the established regulations of the company. The compensation and salaries of all the other officers and agents of the company have been, and are, paid in post-notes at par, (with current funds for small balances, as in the case of all payments in post-notes), except where such compensation or salaries have been set off against debts due the company.

I remain, sir, with much respect,

Your obedient servant,

W. B. CHITTENDEN,
Secretary of the James River and Kanawha Co.

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[DOC. No. 67.]

TABULAR STATEMENT

SHEWING THE AVERAGE VALUE OF THE LAND IN THE SEVERAL COUNTIES OF THIS COMMONWEALTH.

Aggregate value of the Lands and Lots in the FIRST DISTRICT OF VIRGINIA, under the present assessment (1838.)

NAMES OF COUNTIES.	No. of acres of land.	Sum added to the land on account of buildings.	Value of the land including buildings.	Value of town property in each county.	Total value of land including buildings and town property.	Average price of land per acre including buildings only.	Average price per acre under former assessment.
Accomack, -	230,959	249,118 00	2,705,071 27	33,520 00	2,738,591 27	11 71	9 55
Brunswick, -	357,848	324,563 00	1,147,311 32	17,040 00	1,164,351 32	3 21	5 82
Chesterfield, -	294,733	982,510 00	3,051,747 06½	156,175 00	3,207,922 06½	10 35	10 78
Charles City, -	111,729	152,035 00	793,173 67	-	793,173 67	7 10	8 90
Caroline, -	320,900	367,734 00	1,920,278 98	32,462 00	1,952,740 98	5 98	8 63
Dinwiddie, -	319,196	305,322 00	1,200,830 54	-	1,200,830 54	3 76	7 15
Elizabeth City, -	35,584	95,850 00	438,053 29	112,280 00	550,333 29	12 31	10 91
Essex, -	163,220	222,938 00	1,481,938 92	24,950 00	1,506,888 92	9 08	8 45
Greensville, -	182,928	204,214 00	859,738 56	10,700 00	870,438 56	4 69	6 13
Gloucester, -	134,672	285,258 00	1,203,611 22	320 00	1,203,931 22	8 94	8 77
Henrico, -	162,290	741,596 00	3,056,946 79	-	3,056,946 79	18 84	47 63
Hanover, -	289,076	434,704 00	2,226,773 07	2,150 00	2,228,923 07	7 70	10 75
Isle of Wight, -	184,554	345,474 00	1,016,718 15	82,600 00	1,099,318 15	5 51	6 07
James City, -	91,901	88,078 00	435,428 53	50,220 00	485,648 53	4 74	4 01
King and Queen, -	194,557	286,014 00	1,300,564 98	1,166 00	1,301,730 98	6 68	5 42
King William, -	162,611	213,595 00	1,360,170 08	950 00	1,361,120 08	8 36	9 50
King George, -	111,687	188,635 50	964,815 17	2,900 00	967,715 17	8 63	11 42
Lancaster, -	81,828	146,990 00	610,188 16	-	610,188 16	7 45	6 62
Matthews, -	53,544	170,356 00	727,060 88	-	727,060 88	13 60	8 56
Middlesex, -	96,350	87,950 00	529,978 50	4,635 00	534,613 50	5 50	5 42
Norfolk, -	191,002	214,400 00	1,429,694 32	48,900 00	1,478,594 32	7 49	
Nansemond, -	247,802	325,072 00	1,306,236 86	117,840 00	1,424,076 86	5 27	4 63
New Kent, -	129,559	176,401 83	739,482 75	-	739,482 75	5 71	5 76
Northumberland, -	118,389	59,925 00	747,482 20	17,850 00	765,332 20	6 32	7 94
Northampton, -	106,290	202,579 25	1,336,411 84	-	1,336,411 84	12 57	11 49
Princess Anne, -	151,335	275,277 00	1,079,319 52	12,549 00	1,091,868 52	7 13½	8 50
Prince George, -	176,949	209,732 17	985,469 24	-	985,469 24	5 57	6 31
Richmond, -	117,098	148,876 00	699,850 20	-	699,850 20	5 97	7 45
Surry, -	158,540	162,794 21	645,579 56	1,852 50	647,432 06	4 07	4 81
Sussex, -	284,570	263,905 00	1,161,905 19	-	1,161,905 19	4 08	5 19
Southampton, -	361,012	376,559 41	1,497,431 57	16,435 00	1,513,866 57	4 15	4 75
Spottsylvania, -	322,181	441,307 52	1,647,947 41	-	1,647,947 41	5 11½	7 17
Stafford, -	164,867	211,516 32	989,587 87	77,800 43	1,067,388 30	6 00½	9 01
Warwick, -	42,787	28,781 00	258,714 78	-	258,714 78	6 04	5 11
Westmoreland, -	145,629	126,049 25	927,795 76	2,595 00	930,390 76	6 37	6 98
York, -	69,770	58,146 11	412,176 06	112,409 00	524,585 06	5 91	4 32
	6,367,947	9,174,256 57	42,895,484 27½	940,298 93	43,835,783 20½	6 73½	8 43

	Total value.	Buildings.
City of Richmond, -	7,821,263 00	4,303,445 00
Norfolk Borough, - -	3,860,040 00	2,387,365 00
Petersburg, - -	2,836,624 00	1,708,378 00
Fredericksburg, - -	947,093 00	673,360 00
Portsmouth, - -	1,353,250 00	719,000 00
	16,868,270 00	9,791,548 00

A copy—Teste,

JOHN KERN JR., *Clerk pro tem.*

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Aggregate value of the Lands and Lots in the SECOND DISTRICT OF VIRGINIA, under the present assessment, (1838.)

NAMES OF COUNTIES.	No. of acres of land.	Sum added to the land on account of buildings.	Value of the land including buildings.	Value of town property in each county.	Total value of land including buildings and town property.	Average price per acre including buildings only.	Average price per acre under former assessment.
Albemarle, -	447,167	737,971 00	3,992,573 26	252,187 00	4,244,760 26	8 93	10 75
Amelia, -	221,185	297,650 00	1,529,861 10	-	1,529,861 10	6 92	7 98
Amherst, -	300,686	231,530 00	1,610,118 16	13,865 00	1,623,983 16	5 35	7 11
Buckingham, -	449,326	450,762 00	2,871,321 32	49,430 00	2,920,751 32	6 39	8 40
Bedford, -	479,623	348,683 50	2,140,765 71	66,790 00	2,207,555 71	4 46	6 58
Campbell, -	387,098	442,085 00	2,372,443 36	22,804 90	2,395,248 35	6 13	9 94
Charlotte, -	313,220	356,759 00	2,492,106 29	-	2,492,106 29	7 96	8 33
Culpeper, -	229,017	153,027 00	2,190,662 02	76,142 00	2,266,804 02	9 57	10 49
Cumberland, -	181,867	314,921 00	1,473,087 86	30,235 00	1,503,322 86	8 10	9 17
Franklin, -	426,054	204,704 00	1,440,520 00	16,276 00	1,456,896 00	3 38	2 49
Fauquier, -	392,754	661,580 00	4,694,362 18	233,885 00	4,928,247 18	11 95	15 28
Fluvanna, -	184,541	286,452 00	1,379,465 23	29,320 00	1,408,785 23	7 48	8 62
Fairfax, -	256,758	356,934 50	1,684,433 88	26,589 50	1,711,023 38	6 56	10 69
Goochland, -	178,921	236,320 00	2,058,366 12½	-	2,058,366 12½	11 50	14 38
Greene, -	103,302	59,611 00	545,437 18	11,660 00	557,097 18	5 28	5 78
Henry, -	215,482	52,600 00	774,003 34	16,504 00	790,507 34	3 59	3 25
Halifax, -	507,339	587,130 00	4,109,716 58	19,854 00	4,129,570 58	8 10	7 58
Louisa, -	318,297	377,156 76	2,112,826 89	-	2,112,826 89	6 64	8 09
Loudoun, -	318,015	889,806 00	6,902,812 68	277,316 00	7,180,128 68	21 71	23 49
Lunenburg, -	268,798	178,604 00	1,004,986 00	7,790 00	1,012,776 00	3 73	4 82
Madison, -	220,693	187,805 00	1,440,655 38	42,750 00	1,483,405 38	6 52	7 60
Mecklenburg, -	309,850	512,237 00	2,607,827 29	186,685 00	2,794,512 29	8 42	6 79
Nelson, -	301,082	252,595 00	1,812,943 62	36,345 00	1,849,388 62	6 02	6 65
Nottoway, -	193,661	289,956 00	1,178,669 61	-	1,178,669 61	6 09	8 20
Orange, -	213,972	307,687 00	1,706,681 72	76,930 00	1,783,611 72	6 10	10 88
Patrick, -	803,432	80,611 00	470,936 27	-	470,936 27	59	71
Prince William, -	213,470	195,815 00	1,132,683 77	104,934 00	1,237,617 77	5 31	9 44
Pittsylvania, -	608,721	368,972 50	2,813,526 25	243,713 00	3,057,239 25	4 62	5 43
Powhatan, -	161,738	345,522 50	1,318,235 12	26,565 00	1,344,800 12	8 15	9 98
Prince Edward, -	254,595	393,956 00	2,082,943 83	223,388 00	2,306,331 83	8 18	8 38
Rappahannock, -	166,089	251,654 00	1,639,214 46	33,350 00	1,672,564 46	9 81	8 47
	9,626,753	10,411,097 76	65,584,186 48½	2,125,308 49	67,709,694 97½	6 81½	8 20

		Buildings.	Total.
Lynchburg, -	-	697,470 00	1,307,011 00

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Teste,

JOHN KERN Jr., *Clerk pro tem.*

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Aggregate value of the Lands and Lots in the THIRD DISTRICT OF VIRGINIA, under the present assessment, (1838.)

NAMES OF COUNTIES.	No. of acres of land.	Sum added to the land on account of buildings.	Value of the land including buildings.	Value of town property in each county.	Total value of lands including buildings and town property.	Average price of land per acre including buildings only.	Average price per acre under former assessment.
Alleghany, -	298,686	78,720 00	452,991 67	42,345 00	495,336 67	1 52	
Augusta, -	577,689	827,210 00	5,023,188 03	101,917 00	5,125,105 03	8 70	10 39
Botetourt, -	525,317	335,620 00	1,871,848 29	171,915 00	2,043,763 29	3 57	4 23
Bath, -	366,520	117,851 62	897,851 93	none.	897,851 93	2 45	2 04
Berkeley, -	195,829	438,110 00	3,066,623 94	161,830 00	3,228,453 94	15 66	11 69
Clarke, -	111,225	308,795 00	2,605,624 58	32,320 00	2,637,944 58	23 43	
Frederick, -	264,289	533,466 50	2,841,938 00	59,981 00	2,901,919 00	10 75	16 44
Hampshire, -	604,828	258,009 00	2,592,637 91	76,305 00	2,668,942 91	4 29	3 74
Hardy, -	723,308	154,282 10	2,133,157 95½	42,800 00	2,175,957 95½	2 95	4 12
Jefferson, -	126,666	925,835 00	4,284,275 00	361,896 00	4,646,171 00	33 82	23 40
Morgan, -	139,577	117,109 00	483,236 57	40,077 00	523,313 57	3 46	
Page, -	198,304	243,029 00	1,326,218 78	39,495 00	1,365,713 78	6 69	
Pendleton, -	516,717	124,549 08	892,267 24	21,594 25	913,861 49	1 73	1 58
Rockbridge, -	457,802	306,424 00	2,015,508 75	191,862 00	2,207,370 75	4 40	5 40
Roanoke, -	159,919	243,780 00	1,166,788 00	50,350 00	1,217,138 00	7 29	
Rockingham, -	543,494	809,790 05	4,893,957 96	151,428 00	5,045,385 96	9 00	9 42
Shenandoah, -	303,508	357,627 04	2,525,635 81	175,379 00	2,701,014 81	8 32	8 06
Warren, -	121,605	161,815 00	1,073,191 73	46,050 00	1,119,241 73	8 83	
	6,235,283	6,342,022 39	40,146,942 14½	1,767,544 25	41,914,486 39½	6 44	7 33

	Buildings.	Lots and buildings.
Winchester, - - -	500,125 00	802,000 00
Staunton, - - -	148,500 00	275,717 90
	648,625 00	1,077,717 90

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Teste,

JOHN KERN JR., *Clerk pro tem.*

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Aggregate value of the Lands and Lots in the Fourth District of Virginia, under the present assessment (1838.)

NAMES OF COUNTIES.	No. of acres of land.	Sum added to the land on account of buildings.	Value of the land including buildings.	Value of town property in each county.	Total value of land including buildings and town property.	Average price of land per acre including buildings only.	Average price per acre under former assessment.
Brooke, -	108,014	161,347 50	1,586,001 76	324,810 00	1,910,811 76	14 68	7 67
Braxton, -	837,475	14,532 83	275,450 39	4,884 50	279,334 89	33	
Cabell, -	351,709	92,204 00	1,089,807 28	44,820 00	1,134,627 28	3 10	2 21
Floyd, -	247,838	53,685 00	395,156 30	10,310 00	405,466 30	1 59½	
Fayette, -	1,052,087	53,715 00	521,420 71	none.	521,420 71	49½	
Greenbrier, -	890,862	429,019 00	2,626,448 96½	121,191 00	2,747,639 96½	2 95	1 83
Grayson, -	677,611	72,609 00	421,718 57	9,425 00	431,143 57	62½	27
Giles, -	236,510	71,015 00	589,744 60	27,965 00	617,709 66	2 49	48
Harrison, -	811,537	206,292 00	2,269,407 64	138,953 50	2,408,361 14	2 80	1 95
Jackson, -	658,644	17,845 00	739,680 95	6,640 00	746,320 95	1 12	
Kanawha, -	1,651,387	293,075 00	2,195,068 33½	196,800 00	2,391,868 33½	1 33	34
Lee, -	556,115	90,240 00	654,736 48	14,485 00	669,221 48	1 18	18
Lewis, -	1,904,804	79,250 84	1,134,991 51	23,990 00	1,158,981 51	60	56
Logan, -	680,811	29,284 00	264,469 46	5,340 00	269,809 46	39	
Monongalia, -	476,260	245,514 50	1,934,800 00	118,900 00	2,053,700 00	4 06	1 18
Monroe, -	408,971	236,818 50	1,798,874 49	41,415 00	1,840,289 49	4 40	1 95
Marshall, -	230,511	59,980 00	1,270,937 33	73,145 00	1,344,082 33	5 51	
Montgomery, -	370,151	125,183 00	1,171,573 22	92,800 00	1,264,373 22	3 17	2 26
Mason, -	352,663	85,105 00	1,402,092 55	73,960 00	1,476,052 55	3 98	1 85
Mercer, -	354,687	6,189 75	213,364 18½	1,280 00	214,644 18½	60	
Nicholas, -	1,087,952	29,698 00	506,575 76	6,090 00	512,665 76	47	
Ohio, -	63,354	158,042 00	1,361,567 55	20,775 00	1,382,342 55	21 49	4 11
Preston, -	381,557	51,774 00	689,848 17	22,006 50	611,854 67	1 81	
Pocahontas, -	470,077	41,138 00	560,918 68	9,690 00	570,608 68	1 19	
Pulaski, -							
Randolph, -	3,137,653	29,265 50	967,805 96	17,280 00	985,085 96	31	23
Russell, -	1,229,648	59,870 61½	601,743 33	20,713 75	622,457 08	49	24
Scott, -	799,984	78,032 00	450,980 60	17,815 00	468,795 60	56	44
Smyth, -	246,867	135,470 00	1,076,819 29	24,985 00	1,001,804 29	4 36	
Tazewell, -	2,703,572	37,390 00	780,466 04	18,200 00	798,666 04	29	33
Tyler, -	444,159	69,841 00	659,323 21	35,846 00	695,169 21	1 48	68
Wythe, -	686,789	329,431 00	1,484,903 42	121,500 00	1,606,403 42	2 16	3 94
Washington, -	413,524	309,606 00	2,047,471 72	246,960 00	2,294,431 72	4 95	4 30
Wood, -	540,278	122,795 00	1,392,139 84	184,086 00½	1,576,225 84½	2 58	4 32
	25,064,061	3,875,248 03½	35,136,308 35½	2,077,061 25½	37,012,369 61	1 40	92

	Buildings.	Lots and Buildings.
City of Wheeling, - -	768,540 00	2,205,175 00

Total amount of property in 1st district,			60,704,053 20½	Average per acre, exclusive of town property,			1st district, 6 73½
Do.	do.	2d district,	69,016,705 97½	Do.	do.	do.	2d district, 6 81½
Do.	do.	3d district,	42,992,204 29½	Do.	do.	do.	3d district, 6 44
Do.	do.	4th district,	39,217,544 61	Do.	do.	do.	4th district, 1 40
	Total,		$211,930,508 08½				
Total amount of property in the 1st district under assessment of 1819,			71,496,997 00	Average per acre, exclusive of town property,			1st district, 8 43
Do.	do.	2d district, do.	78,165,919 00	Do.	do.	do.	2d district, 8 20
Do.	do.	3d district, do.	41,173,512 00	Do.	do.	do.	3d district, 7 33
Do.	do.	4th district, do.	16,057,550 00	Do.	do.	do.	4th district, 92
	Total,		$206,893,978 00				

A copy—Teste,

JOHN KERN Jr., *Clerk pro tem.*

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[BILL No. 1.]

AN ACT

Reducing into one the several acts prescribing the mode of ascertaining the taxable property within the Commonwealth and of collecting the public revenue.

---

1. *Be it enacted by the general assembly*, That every county and corporation court within this commonwealth shall, annually, in the months of September or October, appoint discreet and reputable persons to be commissioners for the purposes hereinafter mentioned; and the said courts are earnestly enjoined to make choice of the most intelligent, honest and discreet men to perform the duties of those offices in their respective counties and corporations.

Act of March 1819, § 1. Commissioners of revenue, how and when appointed.

2. If from any cause the said courts shall fail to make such appointments at the September or October terms thereof, such appointments shall and may be made as soon thereafter as convenient, at any succeeding term before the first of February ensuing: *Provided*, That in all cases of appointment at a term other than the regular terms, the justices of the county or corporation shall have been previously summoned for that purpose.(*a*)

Provision when appointments not made at regular terms.

3. If the justices shall be equally divided in the appointment of a commissioner or commissioners as aforesaid, it shall be lawful for the sheriff of the county to give the casting vote.(*b*)

When court equally divided.

4. The courts of the counties of Loudoun and Norfolk shall be authorized to appoint three commissioners of the revenue: the courts of the counties of Accomack, Albemarle, Augusta, Bath, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Charlotte, Chesterfield, Culpeper, Dinwiddie, Fauquier, Franklin, Frederick, Greenbrier, Halifax, Hampshire, Hanover, Harrison, Henrico, Kanawha, Louisa, Lee, Mecklenburg, Monongalia, Montgomery, Monroe, Ohio, Patrick, Pittsylvania, Rockbridge, Rockingham, Shenandoah, Southampton, Spottsylvania, Smyth, Scott, Tazewell, Washington and Wythe, shall be authorized to appoint two commissioners of the revenue: and the courts of the counties of Alleghany, Amelia, Amherst, Berkeley, Braxton, Brooke, Cabell, Charles City, Clarke, Cumberland, Elizabeth City, Essex, Fairfax, Fayette, Floyd, Fluvanna, Giles, Gloucester, Goochland, Grayson, Greenesville, Greene, Hardy, Henry, Isle of Wight, Jackson, James City, Jefferson, King George, King William, King & Queen, Lancaster, Lewis, Logan, Lunenburg, Madison, Marshall, Mason, Matthews, Mercer, Middlesex, Morgan, Nansemond, Nelson, New Kent, Nicholas, Northampton, Northumberland, Nottoway, Orange, Page, Pendleton, Pocahontas, Powhatan, Preston, Prince Edward, Princess Anne, Prince George, Prince William, Pulaski, Randolph, Rappahannock, Richmond, Roanoke, Russell, Stafford, Surry, Sussex, Tyler, Warwick, Warren, Westmoreland, Wood and York, and the courts of the corporations of Richmond, Fredericksburg, Lynchburg, Petersburg, Norfolk borough, Staunton, Williamsburg and Winchester, shall be authorized to appoint one commissioner of the revenue.(*c*)

Act March 1819, § 2. Number of commissioners allotted to each county and corporation.

5. In those counties where more commissioners than one are directed to be appointed, the said courts shall also distinctly lay off and ascertain the bounds of the district allotted to each commissioner.

Act of March 1819, § 3. Districts allotted.

6. No member of either house of assembly, persons holding any office in civil government receiving stated salaries, practising attorneys or physicians, clerks of courts, inspectors, ordinary keepers, sheriffs, surveyors or their deputies, or persons that have been in the office of sheriff, deputy sheriff, or collector of public taxes in their county, shall be capable of acting or serving as commissioner, unless it shall appear, by sufficient testimony, other than the party's own oath, that such sheriff or collector hath completed his collection, fully paid the amount thereof into the treasury, and finally closed every account relative thereto.

Act March 1819, § 4. Who shall not be commissioners.

7. The clerk of the court shall certify to every commissioner his appointment without delay: and, thereupon, each commissioner shall repair to some acting magistrate of the county or corporation, as the case may be, and take the following oath or affirmation, to wit: *I, A. B. do swear, (or solemnly, sincerely, and truly declare and affirm,) that, as commissioner of the revenue for county, (city, town or borough of Norfolk, as the case may be,) I will, to the best of my skill*

Act March 1819, § 5. Clerk to certify appointment. Oath of commissioner.

(*a*) Sess. Acts 1834-5, ch. 3. The phraseology slightly modified.
(*b*) Supp. Rev. Code, ch. 264.
(*c*) For the various acts amending this section as it stands in the Revised Code of 1819, see Supp. R. C. ch. 261, § 1 and 3, ch 263, § 7, ch. 264, § 2; Acts 1832-3, ch 178, 179 and 180; Acts 1838, ch. 4 and 5; Acts 1839, ch. 4 and 5.

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and judgment, diligently and faithfully execute the duties of the said office, without favour, affection or partiality. And that I will do equal right and justice according to the best of my knowledge, in every case in which I shall act as commissioner. So help me God. A certificate of which oath or affirmation, shall be given the commissioner by the magistrate administering it; and the magistrate shall also certify the same to the next court held for his county or corporation, to be recorded.

Certificate thereof to be recorded.

Act of March 1819, § 6. Bond and security.

8. Each and every commissioner of the revenue, before entering upon the duties of his office, shall give bond, with sufficient security, in the penalty of one thousand dollars, conditioned for the faithful performance of the duties of such office, which bond shall be made payable to the governor or chief magistrate for the time being, and his successors, and entered of record in the county or corporation court. And, in the name of the governor, or chief magistrate, or his successors, the auditor of public accounts, at the costs and charges of the commonwealth, when the commonwealth is injured, or any person or persons injured, may and shall, at his, her, or their costs and charges, commence and prosecute suits on the said bond against the parties therein bound, their executors or administrators, and shall and may recover all damages which the commonwealth, or any person or persons, may have sustained by reason of the breach of the condition of such bond. And such bond shall not become void upon the first recovery, or if judgment shall be given against any plaintiff or plaintiffs who shall sue upon such bond, but may be put in suit and prosecuted, from time to time, for the benefit and at the proper costs and charges of the commonwealth, or any person injured, until the penalty expressed in such bond shall be recovered: *Provided always*, That if any verdict and judgment shall pass for such commissioner, the commonwealth, in suits brought by the auditor, or the person at whose instance such suit is brought, shall pay such commissioner, or his securities, their executors or administrators, their costs.

Bond how enable.

Recovery thereon.

Costs to defendant if judgment be in his favour.

Act of March 1819, § 7. Commissioner's duties. To apply for and keep land-tax book.

9. Every commissioner, thus qualified, shall perform the following duties within his district: he shall, in the first place, apply to the preceding commissioner, or other person, who shall have possession of it, for the book containing the land tax list within his district or county; which book the said commissioner shall keep so long as he shall continue in office, and, on his death, resignation, or inability to act, it shall be delivered to the succeeding commissioner for the district. And every commissioner shall, in the said book, note, from time to time, all such alterations, alienations, divisions and additions as may happen within his district, and shall also perform all the duties of the commissioners of the land-tax as herein prescribed.

To note therein alterations, &c.

Books how to be made.

10. They shall annually make out their books, containing a list of the land-tax, within their respective districts; making separate tables for the tracts of land, and the town lots. The said commissioners shall enter each tract of land separately in their said books; and, according to the best information which they can obtain, shall particularly describe the same in the manner following: in the first column, they shall enter the name of the person, who, by himself, or his tenant, has the freehold in possession; in the second, the place of his residence; in the third, his estate, that is, whether for life, or in fee; in the fourth, the number of acres of land; in the fifth, the description of the land as to the water courses, mountains, or other notorious places, on which or near to which it lies; other lands which it adjoins, and the number of the tract, if any; in the sixth, its distance and general bearing from the courthouse of the county; in the seventh, the value of the land per acre including buildings; in the eighth, the sum added to the land on account of buildings; in the ninth, the total value of the land and buildings; in the tenth, the amount of the tax on the whole tract at the rate of taxation prescribed by law; and in the eleventh, all alterations made since the preceding year shall be particularly noted and explained, showing distinctly for what reason and upon what authority each alteration has been made. In the table of town lots each lot shall be entered separately, and according to the best information which the commissioner can get. He shall describe the same in the manner following: in the first, second, and third columns, the name of the person in possession, his residence and estate, shall be described, as in the table first above prescribed; in the fourth column, the number of lots in any town; in the fifth, the name of the town, in which situated; in the sixth, the value of the buildings; in the seventh, the value of the lots including buildings; in the eighth, the yearly rent of lots; in the ninth, the amount of tax upon the lots at the rate of taxation ascertained by law; and in the tenth, all alterations to be noticed and explained as in the table aforesaid.(*d*)

Unimproved lots and unoccupied improved lots to be placed on the books and taxed as land.

11. It shall be the duty of the commissioners of the revenue to place on their books all the unimproved lots in any city, town, or borough, and also all improved lots not rented nor in the occupancy of the proprietor, and shall estimate the value thereof as fixed by the assessors under the

(*d*) This section, which stands as the eighth in the revised act of 1819, has been necessarily modified, so as to adapt the forms of the land and lot books to the changes introduced by the general reassessment.

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equalizing law; the tax whereon shall be estimated according to such valuation, and at the same rate per annum as is paid on lands in the country.(e)

12. It shall also be the duty of the commissioners to assess, and return in their lists, annually, the yearly rent or value of all lots and houses in towns, and all ordinaries and houses of private entertainment within their respective districts, which shall be ascertained by the rent paid by the tenant; and when such house, lot, ordinary, or house of private entertainment, is in the occupation of the proprietor, the yearly rent or value shall be ascertained by a comparison of its value with other houses or lots actually rented: *Provided*, That when the owner or proprietor of any house or lot subject to taxation, shall think himself aggrieved by the valuation of the commissioner, he may appeal to the court by whom he was appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners, or either of them, to ascertain the rent paid on houses or lots actually rented or leased, may call on the tenant or proprietor, to declare, on oath or solemn affirmation, what is the amount of rent paid for the same; and every person so called on and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice, at the instance of the commissioners of the revenue, or either of them: *Provided, always*, That no tax shall be collected on lands, lots, houses or other property belonging to this commonwealth; or to any county, town, college, houses for divine worship, or seminary of learning.

Act of March 1819, § 9. Commissioners to assess, &c. rent or value of town lots, ordinaries, &c. How to be ascertained. Appeal allowed owner. Power of court thereupon. Tenant or proprietor may be examined on oath. Penalty for refusing. How recoverable. Lands, lots, &c., not taxable.

13. In establishing the value or yearly rent of taverns or houses of private entertaiment, the commissioner of the revenue shall take into his estimate the tavern house or house of private entertaiment, with all the outhouses appurtenant, gardens, stables, lots, baths, pools and watering places, with all other things that impart value to the tavern or house of private entertainment, except the farm or farm houses that may be contiguous; and shall estimate the tax to be paid thereon accordingly.(f)

Rule for estimating value of ordinaries, &c.

14. The said commissioners, annually, when they take their lists of taxable personal property, shall carry with them their land books of the preceding year, and show to each person resident within their respective districts, and to the agent, if any, of each non-resident, the quantity and description of lots and tracts of land charged to them, and shall require of such resident person and such agent of each non-resident person, to state, upon oath or affirmation, whether the lands and lots so charged, be correctly entered and described; whether any part thereof ought to be transferred to any other person; and if so, to whom, and for what cause; and whether any other tract of land, or lot, within their respective districts, ought to be charged to such resident or non-resident. And they shall further require of such resident, and such agent, on oath or affirmation, such description of the lands or lots so charged, and of such other lands or lots which ought to be charged, as will enable the said commissioners to comply with the requisitions of this act.

Act of March 1819, § 10. Commissioners to show their land books, and require oath of owners

15. If any person, being so called on by any commissioner, shall fail or refuse, without sufficient cause therefor, to give such statement or description on oath or affirmation, such person shall forfeit and pay to the commonwealth, for the use of the literary fund, the sum of fifty dollars, to be recovered by action of debt, information or indictment, in the inferior or superior court of law for the county within which the offence was committed. And, in order that such offence may be prosecuted, it shall be the duty of the commissioner forthwith to give information thereof to the attorney for the commonwealth, and to the court of the county.

Act of March 1819, § 11. Penalty for refusal to give such statement on oath, &c. How appropriated and recoverable. Commissioner's duty to give information, that prosecution may be instituted.

16. Every commissioner shall, annually, in making out his new land book, correct such errors in the entries or descriptions of the preceding year, as shall be made appear to him by satisfactory evidence. But no transfer of lands or lots, heretofore correctly charged, shall be made from one person to another, and no entry of lands or lots, not charged before, shall be hereafter made, but upon evidence of record that such transfer or entry is proper.

Act of March 1819, § 12. To correct errors, annually, in entries or descriptions of lands. Transfers and entries not to be made, but upon evidence of record.

17. The lands of any person, after his decease, shall be charged to his estate, until it shall appear of record, in the court of the county where the land lies, to whom such land ought to be transferred; and, in the mean time, the personal property belonging to the estate of such deceased person, shall be liable to distress for the payment of the taxes due on such land.

Act of March 1819, § 13. Lands of deceased persons, how charged. Taxes due thereon, how collected.

18. Whenever any commissioner shall hereafter enter, or shall heretofore have entered, to one person any tract of land or lot, or any part of a tract of land or lot, which had before been entered to another person, such other person shall be forthwith discharged of such tract of land or lot, or part of a tract of land or lot, and the commissioner shall correct his books accordingly; for every transfer so made, by entry to one person and discharge of another, the commissioner shall be entitled to a fee of seventy-five cents, to be charged to the person to whom the transfer is made; and for an alteration, except made to correct an error of a commissioner, fifty cents. But where one

Act of March 1819, § 14. Effect of transfer of land by commissioner. His fee for such transfer. To whom chargeable. His fee for an alteration.

(e) Supp. Rev. Code ch. 265, § 1.

(f) Supp. Rev. Code ch. 265, § 2.

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or more tracts of land in the same county and in the same commissioner's district are conveyed by the same deed, the commissioner shall only be entitled to one fee of seventy-five cents for making such transfer, to be paid by the person to whom the transfer is made.(*g*)

Fees of commissioners of revenue how collectable.

19. It shall be lawful for the commissioners of the revenue to make out tickets for their legal fees, and place them in the hands of the sheriff or sergeant for collection, to be by them collected and accounted for in the same manner as clerks' fees are now collected and accounted for; and said commissioners shall be subject to the same penalties as clerks now are for issuing tickets wrongfully.(*h*)

Arrears of taxes to be charged on omitted lands.

20. When any land shall hereafter be entered on the commissioner's book which had not before been entered, or which for any cause, had been omitted for one or more years preceding such entry, it shall be the duty of the commissioner to value and assess such land, if not previously valued and assessed, according to the best of his judgment, by reference to the assessed value of contiguous lands similarly situated, and to charge thereon the taxes at the rate last imposed by the legislature for so many years, as the person in whose name it shall be entered would have been justly chargeable with, if such land had never been omitted, or had been duly entered at the time when the title accrued to such person, his ancestor or devisor, together with ten per centum damages on each year's tax: *Provided*, That such computation of damages shall in no case extend further back than the first day of January, one thousand eight hundred and eleven.(*i*)

Act of March 1819, § 16. Provision concerning lands which cannot be precisely ascertained and valued. Commissioners to publish list at courthouse door. How often. Tax how to be imposed.

21. And whereas it is represented, that there are many tracts of patented land in this commonwealth, which it is not in the power of the commissioners precisely to ascertain and value; *Be it enacted*, That, in all cases where the commissioners shall not be able to find any lands subject to taxation as aforesaid, it shall be their duty, and they are hereby required and directed, to publish a list of all such lands at the door of their respective courthouses, at least three several court days successively; and, in case the owner or owners, his, her or their agent or attorney, shall not, within one month thereafter, show the same to the said commissioners, they shall proceed to tax the said lands agreeably to the best information they can obtain, and class the same accordingly, any thing in any law to the contrary, notwithstanding.

Act of March 1819, § 17. Error, how corrected, where lands lying in one county are taxed in another.

22. Where commissioners of the public revenue shall tax lands as lying in one county, which lie in another, it shall be the duty of the commissioners of the counties wherein such lands, so improperly taxed, actually lie, and they are hereby required, on information of the fact, to certify the same, and the quality of such lands, to the commissioners who committed the errors in such taxation, and thereupon the said lands shall be transferred from the books of the said commissioners, wherein they were taxed as aforesaid, to the books of the commissioners of the counties wherein such lands really lie.

Act of March 1819, § 18. In what case, lands divided among heirs or devisees, may be re-assessed, and how.

23. Where any person shall hereafter die seized of any tract or lot of land, the whole of which might have been assessed by the commissioner of the county or corporation, wherein the same lies, at an equal rate, but which, when divided among the heirs or devisees of the decedent, shall contain some one or more parcel or parcels, of a quality inferior to that of the other parcel or parcels, the heir or devisee, or heirs or devisees, or his, her or their guardian or guardians, as the case may be, to whom the parcel or parcels of such inferior quality may be allotted, may apply to the commissioner, within whose district such parcel or parcels may lie, to make a re-assessment of the same: the said commissioner, on such application, shall, and he is hereby required, forthwith to go upon the parcel or parcels of land proposed to be re-assessed, and, according to the best of his skill and judgment, apportion the tax originally assessed upon the entire tract or lot of land, amongst the holders of the different parcels, having due regard to the relative value of the same, and thereupon, proceed to charge them in his book of the land tax, with their respective proportions of the tax of such land, according to the apportionment by him made.

Tax in such case to be apportioned.

Act of March 1819, § 19. Similar provision for re-assessment and apportionment, among several alienees.

24. If any person shall be seized of any tract or lot of land as aforesaid, and shall alienate the same to different alienees, or a part thereof to one or more persons, by which some one or more parcel or parcels shall be inferior in value to the other parcel or parcels, the alienor or alience, as the case may be, who shall have right to the parcel or parcels of such inferior value, may have the same relief, and the commissioner of the district wherein the land lies shall perform the same duties as are hereinbefore provided in the case of heirs or devisees: *Provided, nevertheless*, That any party or parties who shall think themselves aggrieved by such re-assessment, may require the commissioner to go again on the land, with such persons as the parties or their representatives may choose, there being only one person for each different parcel of land, who may review the commissioner's valuation; and, if they, or a majority of them, agree, their valuation shall be final;

Remedy to parties aggrieved by such re-assessment, &c.

(*g*) For the last clause in this section see Supp. R. Code ch. 265, § 4.

(*h*) Acts of 1822-3; Supp. Rev. Code ch. 270, § 13.

(*i*) This section numbered 15 in the revised act of 1819—modified by the 2d section of the act of 23d March, 1836. Vid. acts 1835-6, ch. 3.

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but, if divided, the valuers may call in an umpire, whose opinion shall be final. And the commissioner shall charge the same in his book, so as he make it correspond with the decision of such referees or umpire. Referees, or umpire, to settle valuation.

25. The person or persons making application to the commissioner for such purpose, shall pay to him one dollar for each parcel of land by him so valued and re-assessed. Act of March 1819, § 20. Commissioner's fee for re-assessment.

26. It shall be lawful for any commissioner of the revenue, where he shall discover, on proper evidence, any error or mistake in the quantity or valuation of any lands, or where the same is charged more than once in the books for the preceding year, to rectify the same in the list made out by him, so as to make the same correspond with the true quantity and valuation, and as shall appear to him just. Act of March 1819, § 21. His power to rectify errors in land book.

27. Annually, when the commissioner shall have made out his land book, according to the best of his judgment, in pursuance of the provisions of this act, he shall submit the same to the inspection of the clerk of the county or corporation court. It shall be the duty of such clerk, by himself, or by his deputy, to examine the said book, to compare it with the book of the preceding year, with the records of his office, where necessary, and with this act, and to point out to the commissioner such errors, if any, as he may conceive to exist therein. Act of March 1819, § 22. His duty to submit such book to clerk's inspection. Clerk's duty to examine and point out errors.

28. If the commissioner shall differ from the clerk in opinion, as to any matter respecting the said book, he shall refer the subject to the court of the county or corporation, to be decided by them, and shall govern himself by their decision. Act of March 1819, § 23. Reference to court if commissioner and clerk differ.

29. When the clerk shall have found the commissioner's book correct upon examination, or when it shall have been corrected according to his suggestions, or to the opinion of the court, he shall annex a certificate thereto, in the following form: Act of March 1819, § 24. Clerk to certify book to be correct.

I, A. B., clerk (or deputy clerk) of the county (or corporation) of , do hereby certify that I have carefully and deliberately examined the foregoing land book; that I have compared it with the land book of the preceding year, with the records in my office, where necessary, and with the law; and that I find the same to be correct. Given under my hand, this day of .

A. B.

Form of certificate.

30. The clerks who examine the commissioners' land books, shall also examine the commissioners' lists of taxable property; and they shall respectively certify the same to be correct, as far as their information will enable them to do so. And where the same shall appear to be incorrect, or carelessly or negligently made out, they shall certify the fact to the courts of their respective counties or corporations, at their next term. Such certificate shall be recorded among the proceedings of the said court, and a copy thereof transmitted to the auditor of public accounts. Act of March 1819, § 25. Clerk to examine also lists of taxable property. Certificate in relation thereto. To be recorded. Copy transmitted to auditor.

31. The clerk for his services herein, shall be allowed a reasonable compensation, to be ascertained and certified by the court of his county or corporation, and paid out of the public treasury: *provided*, that where there is only one commissioner, the allowance to such clerk shall not exceed the sum of twenty dollars; where there are two commissioners, the sum of thirty-five dollars; and where there are three commissioners the sum of fifty dollars. And if the said clerk shall fail or refuse to perform the duties above required of him, he shall forfeit and pay to the commonwealth for the benefit of the literary fund the sum of one hundred dollars for each offence.(*k*) Clerk's compensation for such services. Penalty for failure.

32. When the commissioners of the revenue in the several counties, cities, towns and boroughs of this commonwealth shall have completed their several land books in each year, they shall, on or before the first day of July, deliver one fair copy thereof to the clerk of the county, city, town or borough, to be by him preserved amongst his records, free for the inspection of every person in any manner interested therein, and shall, on or before the first day of October deliver another fair copy thereof to the auditor of public accounts, as his guide in correcting the equalizer's book, and in settling with the sheriff, and on or before the thirtieth day of June, shall deliver another fair copy thereof, to the sheriff of the county, which shall be his guide in collecting the land tax of the current year.(*l*) Land books, when to be delivered to clerks. Subject to free inspection. Copies for auditor and sheriff.

33. The commissioner shall, in no case, make any alteration in his land book, after it shall have been certified by the clerk. But, if any person shall think himself aggrieved by any entry made in said book, he shall be at liberty, at any time within twelve months after the first day of June succeeding such entry, to apply to the court of the county or corporation for relief. And, if the court, upon examination of legal evidence, shall be satisfied, that the applicant is erroneously charged with any taxes on said book, they shall make an order, directing that he shall be exonerated from the payment of so much as is erroneously charged, if he have not already paid it; and, if he have, that it shall be refunded to him. Such order, delivered to the sheriff, shall restrain him Act of March 1819, § 26. Commissioner not to make alteration after clerk has certified. When and how person aggrieved by any error may obtain relief. Order of court in his favour. Effect of such order.

(*k*) Revised act of 1819, § 26, as modified by the act of 1820-21. Vide Supp. R. C. ch. 263, § 6.

(*l*) Acts of 1838, ch. 3, § 1, altered from revised act of 1819, § 27.

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from collecting the taxes so erroneously charged; or, if they have already been collected, shall compel him to refund the money, if he have not paid it into the treasury; and shall be a sufficient voucher to entitle him to a credit for so much, in his settlement with the auditor. If the taxes, so erroneously charged, have been collected and paid into the treasury, the order of the court aforesaid shall entitle the claimant to a warrant on the treasury for the amount thereof:

Proviso.

Provided, always, That the attorney for the commonwealth, or, in his absence, some attorney appointed by the court for that purpose, shall appear on behalf of the commonwealth, and defend such application; and that no order, made as aforesaid, shall have any validity, unless it appear, on the face thereof, that such attorney did appear on behalf of the commonwealth. If such application should fail, judgment shall be entered against the applicant, and he shall pay costs, including an attorney's fee; which, if the sum in controversy be under twenty dollars, shall not exceed one dollar and twenty-five cents.

What shall be expressed therein. Costs, if judgment be against him. Attorney's fee.

Act of March 1819, § 29. Penalty on commissioner for breach of duty, as to making out land book. For failing to deliver copies required. For knowingly making false entry. How appropriated and recoverable.

34. If any commissioner shall wilfully or negligently fail to perform any duty hereby required of him, in relation to the making out of his land book, he shall forfeit and pay for each offence the sum of fifty dollars. If he shall wilfully or negligently fail to deliver a fair copy of such book within the times hereby limited, either to the clerk, the auditor, or the sheriff, he shall forfeit and pay, for each offence, the sum of one hundred dollars. And, if he shall knowingly make any false or erroneous entry on said book, he shall forfeit and pay, for each offence, the sum of two hundred dollars, besides being liable to an action for damages by the party thereby injured. These fines shall go to the commonwealth for the use of the literary fund, and shall be recoverable in the following manner. The fine for not transmitting a copy of the land book to the auditor's office, shall be recovered by motion in the general court, on thirty days previous notice thereof. The fine for not delivering a copy thereof to the clerk, or to the sheriff, shall be recoverable by motion on ten days previous notice, either in the inferior or superior court of law for the county, or in the court of the corporation, in which the commissioner resides. And the other fines shall be recoverable by action of debt, information or indictment, in any court having jurisdiction thereof.

Act of March 1819, § 30. Clerks to furnish commissioners with lists of conveyances and partitions; and when. Such lists what to express. His duty in relation thereto.

35. The clerks of the county and corporation courts are hereby directed to deliver to the said commissioners, on or before the first day of February, annually, a list of conveyances or partitions recorded in their respective courts within the preceding year; and shall include therein all conveyances which are partly, although not fully, proved; with correct descriptions of such property, certifying the quantity and situation of the lands so conveyed. And such commissioner shall give a credit to the person disposing of the same, and charge the purchaser or receiver with the tax payable thereon; and, in like manner, in cases where lands have not been heretofore valued, or where lands which now are vacant, and which may hereafter be taken up, the said commissioners shall, and they are hereby required to value the same, and charge the owner thereof with the tax, in manner aforesaid.(*m*)

Clerks to deliver lists of decrees of partition and devises of realty to commissioners.

36. The clerks of the circuit superior courts of law and chancery shall, on or before the first day of February annually, deliver to the commissioner or commissioners of the revenue within their respective counties and corporations, lists of all decrees of partition, and of all devises of real property recorded in such courts within the year next preceding; which said lists shall contain correct descriptions of such property, including the true quantity and situation thereof as far as the same can be ascertained. The commissioners of the revenue shall enter all lands or lots so divided, devised on their respective land books, and assess the value thereof in the mode now prescribed by law.(*n*)

Lands to be entered and assessed.

Register to mail to commissioners abstracts of grants.

37. It shall be the duty of the register of the land office every year, on the first day of January, or as soon thereafter as may be, to mail to the commissioners of the revenue, at the courthouse of every county, town and borough within this commonwealth, abstracts of all grants issued from the land office within the year preceding, for lands lying within such county, town or borough; which abstracts it shall be the duty of the commissioners to receive, and to enter the newly granted lands in their books; and for every such duty the commissioner shall be entitled to demand and receive a fee of twenty-five cents. The register shall be required to advance postage on all such abstracts mailed by him; for which advance, he shall receive credit on his half-yearly settlements with the auditor.(*o*)

To advance postage.

Penalty on commissioner failing to enter abstracts.

38. Every commissioner who shall fail for the space of one month next after the abstracts aforesaid shall have reached the place to which the register shall have mailed them, to enter on his

(*m*) So much of this section as it stands in the revised act of 1819, numbered 30, as relates to the register of the land office omitted, because re-enacted with fuller provisions in January 1834. See *post*. section 37.

(*n*) Acts of 1836-7, ch. 4, § 1.

(*o*) Acts of 1833-4, ch. 4, § 1, 2. Some slight modification made in the phraseology of the section, conforming it to the omitted provision noticed in note (*m*) to the preceding 35th section.

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books the lands described in those abstracts, shall be subject to a fine of twenty dollars, recoverable before the court of the county in which such commissioner shall reside, on motion, after ten days notice by each person whose land the commissioner shall have failed to enter on his books, as herein before directed.(*p*)

Fees of commissioners how collected.

39. The commissioners' fees for entering original grants shall be collected and accounted for in the same manner as provided for fees on transfers of land.(*q*)

Commissioners to correct land books according to new assessment by act of 24th March, 1838.

40. After the assessment of the whole state shall have been completed, as directed by the act *providing for the re-assessment of lands in this commonwealth, passed the twenty-fourth day of March, one thousand eight hundred and thirty-eight*, and copies of the tables of assessment for the several counties shall have been furnished to the respective commissioners, it shall be the duty of those commissioners to correct their land books accordingly; and whenever, thereafter, any part of a tract of land or lot, shall be transferred from one person to another, upon the commissioner's books, it shall be the duty of the commissioner to ascertain the relative value of the part so transferred when compared with the whole tract; to charge the part so transferred at such relative value; to deduct the value, so charged to the transferee, from the amount of the value of the whole tract or lot, and charge the balance upon the residue of the tract or lot. If any person interested in such apportionment, shall be dissatisfied therewith, he may apply to the court of the county or corporation, in which the land or lot lies, and, upon reasonable notice given to the other party interested therein, or, if the other party cannot be found in the county, then, upon reasonable notice given to the commissioner, the court shall have full power to correct any error that may have been committed, and shall thereupon order the commissioner's book to be reformed accordingly. The commissioners in correcting their land books in conformity to the new tables of assessment shall make alterations for all transfers which shall have been made since the tables were completed.(*r*)

To value lands thereafter transferred; and how.

To make alterations in charges accordingly.

Remedy allowed persons dissatisfied.

Notice.

Order of court.

Annual assessments to be made of new buildings, above the value of one hundred dollars.

41. It shall, moreover, be the duty of the commissioners, annually thereafter, to assess the value of any new building, which may have been erected on any tract of land or lot, and which shall not have been theretofore assessed, and to add the amount thereof, to the value at which such land or lot was before charged: *Provided, however*, That they shall not assess any such new building, which is under the value of one hundred dollars. In making the assessment of new buildings as aforesaid, they shall be valued, as nearly as may be, at the same rate at which other buildings in the same neighbourhood shall have been valued by the assessors under the said act. The commissioners, however, shall not value any building until the same shall have been so far finished as to be fit for use; and they shall then assess it, whether entirely finished or not, at the same value as if it were finished on the plan on which it is designed. Whenever any building assessed as aforesaid, shall be destroyed by any cause whatever, it shall be the duty of the commissioner, at the next periodical correction of his land book, so to correct the same as to deduct from the value of the buildings charged to the owner thereof, as nearly as may be, the value at which the buildings so destroyed shall have been assessed.(*r*)

Rule for making such assessments.

Buildings not to be valued, till fit for use.

Rule in case of destruction of buildings so assessed.

Old buildings omitted by assessors to be valued.

42. It shall also be the duty of the commissioners to value all old buildings within their respective districts, which may have been omitted by the assessors, in the same manner in which they are directed by law, to value new buildings.(*s*)

Annual assessments to be made of buildings increased in value by repairs or additions.

Rule in case of reduction in value by decay.

43. And the said commissioners, at the periodical correction of their land books, shall assess all buildings which may have been increased in value to one hundred dollars and upwards, by repairs or additions thereto, in the same manner as they are now required to assess new buildings. And if from natural decay, any building previously assessed, shall be reduced in value below one hundred dollars, it shall be the duty of the commissioners to deduct the same from the amount of improvements charged to the owner thereof, in like manner, as if the same had, from any cause, been totally destroyed. The said commissioners shall, moreover, in assessing the value of all manufacturing or other mills, ascertain as near as may be, the value of all machinery and fixtures attached thereto, and include the same in the amount of improvements charged to the owner thereof.(*t*)

Value of machinery in mills &c. to be included in assessing improvements.

Lists of taxable property, when and how to be taken.

44. The said commissioners shall, severally, on the first day of March in each year, begin and proceed without delay through their respective districts, to make their lists of property subject to taxation, and shall call upon every person subject to taxation, or having property in his or her possession or care, on which any tax is imposed, for a written list thereof, which list being corrected if necessary, and distinctly read over by the commissioner to the person delivering the

(*p*) Acts of 1833-4, ch. 4. § 3.
(*q*) Ibidem § 4; *Vide ante* § 19.
(*r*) Revised act of 1819, ch. 183, § 31, 32, 33—altered by the act of March 24, 1838, providing for a re-assessment. Acts 1838, ch 6, § 13, 14, 19.
(*s*) Acts of 1820-21, ch. 203, § 4; Supp. p. 320.
(*t*) Acts of 1832-3, ch. 3, § 1.

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Oath or affirmation of persons delivering such lists.

same, he or she shall then make oath or affirmation, that such list contains a just and true account of all persons and of every species of property in his or her possession or care, within the district (land only excepted), subject to taxation on the last day of February then next preceding; and that no contract, change or removal whatever of property had been made or entered into, or any other method devised, practised or used, in order to evade the payment of taxes; which oath or affirmation the commissioner of the revenue is hereby empowered and directed to administer. And the said list of taxable property and land shall have relation to the last day of the same month of February.(*u*)

To be administered by commissioner.

Penalty on commissioner for neglect of duty.

45. If any commissioner of the revenue shall neglect to call upon any person liable to taxation within his district, or shall fail to list every species of taxable property, within the time and in the mode prescribed by law, without a reasonable excuse, he shall for every such offence forfeit and pay to the commonwealth, for the use of the literary fund, a fine of not less than twenty nor more than one hundred dollars, to be recovered by action of debt, information or indictment, in the superior or inferior court of the county within which such offence shall be committed; and it shall be the duty of the judge presiding in such superior court, and of the attorney for the commonwealth, at each quarterly court, to direct diligent enquiry to be made by the grand juries thereof into every violation of this act.(*v*)

How recoverable.

Duty of judge and attorney for commonwealth.

Act of March 1819, § 35. Penalty for delivering false lists, or refusing to furnish on oath, &c. Lists how taken, and property how taxed, in such cases.

46. If any person shall give or deliver to a commissioner a false or fraudulent list of persons or property, subject to taxation, or shall refuse to give a list on oath or affirmation, when required by the commissioner, the person or persons so refusing shall be liable to a fine of fifteen dollars, and the commissioner shall proceed to list such person's property, agreeably to the best information he can procure; and all such property, so ascertained, shall be moreover subject to a treble tax, to be collected and distrained for by the sheriff, as in other cases; and, in the case of an imperfect, false or fraudulent list, the person giving the same, shall be subject to pay a fine of fifteen dollars, and the property subject to a treble tax; which fines and treble taxes shall be recovered in the county or corporation court, by the following mode of proceeding, and applied as hereinafter directed.

Act of March 1819, § 36. Information by commissioner. Summons.

47. The commissioner shall give information thereof personally, or, if unable to attend, in writing, under his hand, to the next court held for his county or corporation, which court shall forthwith direct the clerk to issue a summons, requiring the party to appear at the next court, to be held for the county or corporation, to shew cause, if any he can, why he should not be fined and trebly taxed, for giving an imperfect or fraudulent list of taxables, or for refusing to give a list on oath or affirmation; and the person or persons, upon being served therewith by the sheriff, and appearing, shall immediately plead to issue, and the matter thereof shall be enquired into by a jury, or the court, at the defendant's option; and, on conviction, or the person failing to appear upon being summoned, the fine and treble tax shall be established by judgment of the court, who, unless good cause be shewn at the next succeeding court for such failure, shall award execution for the fine and costs, and certify the amount of the tax to the sheriff, for collection, and to the auditor's office; the amount of which fine, after deducting thereout such allowance as the court may think reasonable to make the commissioner for his extraordinary trouble on the occasion, shall go to the commonwealth, for the use of the literary fund; and the treble tax shall be charged to the sheriff, and accounted for in like manner as the other taxes.

Pleading. Trial. Judgment.

Execution. Certificate to sheriff and auditor. Fine how appropriated. Compensation to commissioner.

Act of March 1819, § 37. Clerk to set up copy at court-house door.

48. The clerk of the court shall set up, at the door of his courthouse, a copy of the proceedings in such cases, on the succeeding court day.

Act of March 1819, § 38. Other persons may give information, as well as commissioner. Proceeding thereon. Informer allowed half the fine.

49. And for preventing frauds or impositions upon commissioners, *Be it further enacted*, That every person or persons, having knowledge of any incorrect, false or fraudulent list being given a commissioner, shall give information thereof, either to a commissioner, or to the county or corporation court, in like manner, as the commissioner is directed; and thereupon, the same mode of proceeding shall be had as if the commissioner gave information; and the person informing shall be entitled to and receive one half of the fine imposed on the offender or offenders, to his own use, and the other half to the commonwealth, to be applied as aforesaid.

Act of March 1819, § 39. Clerk to transmit copies to auditor. To be evidence on motions by auditor.

50. The clerk of every county and corporation court shall transmit, to the *auditor*,* a fair and attested copy of all proceedings had at his court in such cases, immediately after every court; noting therein the names of the sitting magistrates; which attested copy shall be admitted as proof on any motion in the general court by the auditor for the recovery of any fine imposed by this act.

(*u*) Revised act of 1819, ch. 183, § 34; *amended*, vid. acts of 1838, ch. 3, § 2.

(*v*) Supp R. C. ch. 263, § 2.

* *Governor* in the act of 1819.

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Act of March 1819, § 40. Provision as to persons absent when commissioner calls for list. Attendance to give it in, when and where required. Proviso. Proceeding in case of failure to attend.

51. In case any person should be absent from his or her place of residence, at the time the commissioner calls to receive the list, and it should appear to the commissioner, that such absence was not intentional, or done with a view of avoiding the delivery of such list, it shall be lawful for the commissioner to require the attendance of such absent person, with his or her list, at any time and place within the said district: *Provided*, Such person tenders his or her list to the commissioner, and makes oath to the justness of it, on or before the twenty-fifth day of May annually; and, in case of failure, the commissioner shall proceed in like manner as is before directed, in cases of refusal to give in lists, and the court shall determine, upon the circumstances of the case, whether to inflict or remit the fine and treble taxes.

Commissioner's duty in relation to tax on carriages. Valuation of carriages, how estimated. Commissioners' duty.

52. The several commissioners of the revenue shall and they are hereby required, in making out the annual lists of taxable property within this commonwealth, to make out correct lists, and set the same down in separate columns, prepared on their books for the purpose, opposite the names of the respective owners, of all two wheel riding carriages, phætons, stage wagons, and other riding carriages whatsoever, belonging to persons residing within their respective districts; and each commissioner shall make an estimation of the value of all such carriages, including the harness belonging thereunto. The commissioner shall fix the value thereof by actual view and examination; and where he has not full confidence in his own judgment as to the value of such property, he shall call upon two respectable freeholders, to whom he shall administer an oath, that they will faithfully and impartially value the same at its fair market value; and it shall be the duty of the commissioners to place the same on their books, agreeably to such valuation, and shall note opposite to the person's name, that the value was ascertained by two freeholders acting upon oath.(*w*)

Carryalls or Jersey wagons to be taxed.

53. And whereas, it is suggested that doubts exist whether the carriages, commonly called *carryalls* or *Jersey wagons*, are to be considered as riding carriages, within the meaning of the revenue laws, and to what class they belong; for remedy whereof, *Be it enacted and declared*, That such carriages shall be included in the list of taxable property as riding carriages, and shall be classed with stage-wagons and taxed as such.(*x*)

Act of March 1819, § 43. Lists of merchants subject to tax as such.

54. The commissioners shall also return, in their lists of the subjects of taxation, in their respective districts, all merchants or venders of merchandize, of foreign growth and manufacture, by wholesale or retail, and all such as vend the same by retail only.

Act of March 1819, § 44. List of commissioners' own taxable property. Penalty for not furnishing it.

55. The commissioners shall severally return, on oath, to their respective courts, a list of all their own taxable property, and shall enter the same in the several lists, to be by them returned to the different persons and public officers, and, on failing to comply herein, shall be liable to be proceeded against, in the same manner, and subject to the same penalties, as in case of any other neglect.

Alphabetical general lists. What to express. One to be retained, and delivered to successor in office. Another returned to clerk's office. Its use. Subject to inspection of all persons. Proviso. Copies how obtained. Third delivered to sheriff for collection of taxes. A fourth transmitted to auditor's office. To be evidence against sheriff. Such lists, when delivered. Receipt to be taken.

56. Each of the said commissioners shall, after collecting the lists of property from the inhabitants of his district, in manner before mentioned, make four alphabetical general lists therefrom, shewing, in columns, the date when each list was received, the persons chargeable with the tax or taxes, distinguishing those also subject only to county levies and poor rates, and the number or quantity of every species of property subject to tax; which lists shall be kept and delivered in the following manner: Each commissioner shall retain one of those lists in his own possession, so long as he continues in office; afterwards, to be delivered to his successor, as in the case of the land tax books; and one other of the lists, together with the lists taken from individuals in his district, shall be returned to the clerk for examination as hereinbefore provided. The list in the clerk's office shall serve for laying the county levy, and fixing the poor rates, and be subject to the inspection or examination of any person who may choose to examine the same: *Provided*, They be not taken out of the clerk's possession: and copies may be had at the charge of the person or persons desiring the same. One other of the said lists, after being certified by the clerk, shall be delivered by the commissioner to the high sheriff of the county, as his guide to collect the taxes; and the remaining fourth list, being also certified by the clerk, shall be transmitted by the commissioner to the auditor's office, there to be minutely examined, and to be produced by the auditor, and admitted as evidence by the general court, for the amount of taxes charged the sheriff. All which lists, it is hereby declared to be the duty of the several commissioners to have delivered to the several persons or officers, on or before the last day of June annually. And the said commissioners shall take a receipt or acknowledgment in writing of the delivery of such lists.(*y*)

(*w*) Rev. Code 1819, ch. 183, § 41. Supp. ch. 265, § 3.
(*x*) Rev. Code 1819, ch. 186, § 1.
(*y*) Rev. Code 1819, ch. 183, § 45. Acts 1838, ch. 3, § 3.

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Act of March 1819, § 46. What shall be stated in such lists; and how.

57. In each of the lists aforesaid, the commissioner shall set down, opposite to the names of the persons or owners of the property taxed, alphabetically arranged, the total amount of the tax by them respectively due; he shall add up the columns of figures on each page of his lists, so as to present, at the bottom of each, the total number of persons and articles subject to taxation, with the sum of the tax due on all the subjects contained in such page. And, in some one page at the close of his lists, he shall enter the sums from the bottoms of the respective pages, by reference thereto, so as to present, at one view, the various species and total number of the subjects of taxation, within his district, county, city, town or borough, and the total amount of the revenue arising therefrom.

Act of March 1819, § 48. Accounts of fines and additional taxes, when to be transmitted to auditor.

58. An account of all fines, or additional taxes, imposed by virtue of this act, shall be by the said commissioners transmitted to the auditor's office before the first of August annually.

Act of March 1819, § 49. Affidavit of commissioner to such lists.

59. Each commissioner of the revenue shall hereafter subscribe the following oath or affirmation, to the four alphabetical lists of property which he is annually required to make out by this act, viz:

I, A. B. commissioner of the revenue for the county of , (city, town or borough, as the case may be,) do solemnly swear, (or affirm, as the case may be,) that in making out the list hereto annexed, I have diligently, faithfully and strictly, to the best of my knowledge and ability, pursued the provisions of the several laws, prescribing the duty of a commissioner of the revenue. Signed A. B. Commissioner as aforesaid.

Certificate thereof.

Which oath shall be taken and subscribed to before some magistrate of the county or corporation, who shall annex the following certificate thereto:

Sworn to and subscribed before me E. F. a magistrate for the county, (city, town or borough,) of , on the day of , one thousand eight hundred and .

Act of March 1819, § 50. Penalty on commissioner failing to deliver list to sheriff.

How recoverable and appropriated.

60. Any commissioner of the revenue who shall, without good cause, fail to deliver, to the sheriff or other collector of the taxes of his county or corporation, the list of taxable property and land book of his district, at the period required by law, shall forfeit and pay, for every day for which he shall withhold the said list or land book, after the period aforesaid, the sum of one dollar, to be recovered of such commissioner by motion in the court of his county or corporation, on ten days notice, at the suit and for the benefit of the sheriff aggrieved thereby.

Commissioner to certify his delivery of books to sheriff, &c. Penalty for failure.

How recoverable.

61. Each commissioner shall certify in the books which he returns to the auditor's office, that he delivered true and faithful copies thereof to the sheriff or other collector of the public revenue within his district; and, if he shall fail or neglect to deliver to such sheriff or other collector, or to return to the auditor the land and property books, within the periods prescribed by law, he shall for every such offence forfeit and pay to the commonwealth, for the use of the literary fund, a fine not less than one hundred nor more than five hundred dollars, to be recovered by motion in the general court, by the auditor of public accounts, on reasonable notice.(z)

Act of March 1819, § 51. Duty of commissioners in counties where none were appointed in any former year.

Taxes for such years, by whom and when to be collected.

Compensation to commissioners performing such duty.

62. The commissioners of the revenue, for the counties wherein no commissioner was appointed during any former year, and no list of taxable property was returned to the sheriff or other public collector for collection, shall proceed to take the lists of taxable property and land tax, for the last year, or any prior year, in conformity with the acts imposing and providing for ascertaining and collecting taxes for such years, in the same manner as if the lists aforesaid had been taken within due time; and shall return the said lists to the sheriff or other public collector, along with the lists for the current year; and such sheriff or other public collector shall proceed to collect the several sums charged therein, in like manner as if the said sums had been collected in due time, and shall complete such collection at the same period with the taxes chargeable for the current year: and, as the duties of the commissioners for the said counties will be greatly augmented, the courts aforesaid are authorized to allow to the said commissioners, respectively, such compensation for their services during the current year, as they would have been entitled to receive, had they been appointed and performed the duties of commissioners in the former year, for which no lists have been returned, together with the further compensation allowed the commissioners of the revenue under this act.

Act of March 1819, § 52. Auditor's duty to report to courts, instances of incapacity of commissioners. Clerk's duty as to such reports.

63. The auditor is authorized and required to report, to the courts by whom the said commissioners are appointed, all instances of incapacity, neglect or misconduct of any commissioner occurring within his knowledge. And the clerks of the several county and corporation courts shall carefully preserve all reports of the auditor relative to the incapacity, misconduct, or neglect of any commissioner, and lay them before such court, whenever they shall be about to appoint a commissioner of the revenue.

(z) Supp. R. C. ch. 263, § 3.

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64. On complaint made to any county or corporation court, that a commissioner neglects or abuses the trust hereby vested in him, it shall be lawful for such court to order a summons to issue, requiring the said commissioner to appear before them at their next succeeding court, which being served on him, or a copy thereof left at his usual place of abode, ten days at least before the return day thereof, the court may proceed to hear and determine the complaint, and may remove him from his office if it appear to them that the said complaint is well founded.

Act of March 1819, § 53. Mode of proceeding against a commissioner for breach of duty. Summons. How served. Judgment of removal from office.

65. The commissioners of the revenue shall, before the first day of December in every year, return to the court of their respective counties or corporations a correct account of their services; and the said courts are hereby respectively authorized and required to ascertain the time in which the said services might have been reasonably performed, and shall certify the same to the auditor of public accounts, in manner following:

Commissioners to return to courts accounts of services. Courts to ascertain and certify time employed.

This day *produced an account of his services as a commissioner of the revenue, and the court have considered that* *days were requisite for the said commissioner to perform the services aforesaid.*

Form of certificate.

And the said commissioners shall be paid by the treasurer of this commonwealth, on warrant from the auditor of public accounts, two dollars per day, agreeably to the time so ascertained by the court: *Provided, always*, That the sum so allowed shall not exceed three hundred dollars per annum to the commissioner for the city of Richmond; and two hundred dollars per annum to each of the commissioners in the counties of Amherst, Berkeley, Cumberland, Fairfax, Fauquier, Frederick, Goochland, Hardy, Isle of Wight, King & Queen, Lunenburg, Nelson, Orange, Pendleton, Princess Anne, Prince Edward, Prince William, Russell, Stafford and Sussex: *And provided, also*, That a sum not exceeding four hundred dollars, may be apportioned among the three commissioners of Loudoun county; three hundred dollars among the three commissioners of Norfolk county; one hundred and fifty dollars between the two commissioners of Patrick county, and not more than one hundred and twenty-five dollars shall be allowed to each of the commissioners of Hampshire county; nor more than one hundred dollars to each of the commissioners of Monroe, Lee, Scott, Smyth and Tazewell counties. The allowances to the commissioners in all the other counties and corporations within this commonwealth, shall not exceed one hundred and fifty dollars per annum each; and hereafter when any new county shall be created, the court of such county shall be, and is hereby authorized and required, at the time prescribed by law, to appoint one commissioner of the revenue, whose compensation shall in like manner be regulated, so as not to exceed one hundred and fifty dollars, unless otherwise specially provided for.(a)

Compensation. Proviso. Allowance to commissioner of Richmond. And to commissioners of certain enumerated counties. To commissioners of new counties.

66. Unless the lists of taxable property returned by the commissioner to the auditor's office shall have been verified by oath or affirmation in the manner prescribed by this act, such commissioner shall receive only one half the pay allowed and certified by the court of the county or corporation.(b)

Provision when lists not sworn to.

67. In case any person appointed to the office of commissioner under this act shall refuse to serve, not having a reasonable excuse in the opinion of the court of the county, he shall, for every such refusal, forfeit and pay the sum of one hundred dollars.

Act of March 1819, § 55. Penalty for refusing to serve as commissioner.

68. No commissioner, after having served one year, shall be again compelled to serve.

Act of March 1819, § 56. Service compulsory one year only.

69. If at any time the said commissioner shall be unable, from sickness or other just cause, to perform the services required of him as commissioner of the revenue, he may, and he is hereby permitted and allowed to employ some fit and proper person to assist him, who shall take an oath, before the county or corporation court, faithfully to discharge the duties of the office, and for whose good conduct the principal shall moreover be liable.

Act of March 1819, § 57. When commissioner may employ assistants. To serve on oath. His liability for their conduct.

70. Vacancies, which may happen in the office of commissioner of the revenue, may be supplied by the several county and corporation courts, at any of their stated sessions. And the clerk is directed to call on the preceding commissioner, or his legal representatives, for all papers, concerning the office of such commissioner, in his or their hands, and deliver the same to such newly appointed commissioner; and, in case they or any of them be lost, he shall furnish such commissioner with copies thereof from his office, and for which he shall be paid by the commonwealth the same fees which by law he might charge an individual for similar services.

Act of March 1819, § 58. Vacancies, how supplied. Clerk to call on preceding commissioner, &c. for papers, and deliver them to successor. Or copies from his office. Fees for such copies, how payable.

71. Whenever the commissioner of the revenue in any county shall have proceeded to take the list of taxable property, and discharge other duties appertaining to his office, and shall die before the same be accomplished, and previous to the day on which by law he is to make a return of his books, the court of the county or corporation, wherein he was commissioner, shall at their next term appoint a successor, whose duty it shall be to proceed to finish the list begun by the former commissioner. And upon the completion of the same, the court shall apportion the sum which

Act of March 1819, § 59. Provision where commissioner dies before return day of his books, after taking lists. Court to appoint successor. Compensation to be apportioned.

(a) Rev. Code 1819, ch. 183, § 54. Supp. R. C. ch. 275, § 5. Supp. R. C. ch. 261, 263, 264, 272. Acts 1832-3, ch. 178, 179, 180. Acts 1838, chs. 4 and 5. Acts 1839, ch. 4, § 5.

(b) Rev. Code 1819, ch. 183, part of § 54.

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7 is by law allowed, between the commissioner then acting and the representatives of the deceased
8 commissioner, according to the services respectively rendered.

Act of March 1819, § 60. Successor may apply for list taken by predecessor, and not receiving it, may take new list, and have whole compensation.

72. It shall be the duty of the commissioner who shall be thus appointed to complete the list of
2 taxable property, to make application to the person in whose possession the unfinished list of tax-
3 able property taken by the deceased commissioner may be, for the same: and in case the said
4 unfinished list should not be delivered to the commissioner on application, then and in that case
5 he shall proceed to take the list of taxable property as if there had been no previous commis-
6 sioner, and shall alone be entitled to the allowance made by law.

Act of March 1819, § 61. Commissioners not to be collectors.

73. No commissioner of the revenue shall be appointed or act as collector of any public tax,
2 county or corporation levy or poor rate.

Act of March 1819, § 74. Stud horses and jack asses, by whom to be entered for taxation. Where standing in one county. And where in two or more counties.

74. All stud horses and jack asses which shall hereafter be let to mares within the common-
2 wealth of Virginia, whether owned by the persons residing within the commonwealth, or persons
3 residing in any other state, shall be entered with the commissioner of the revenue in the county
4 or district where such horse or ass shall stand, by the owner, if such owner resides in the county,
5 and if the owner doth not reside in the county, then by the proprietor of the place where such
6 horse or ass shall stand, who shall be liable for the tax; and when it shall happen that any horse
7 or ass shall stand in two or more counties, they shall be entered within the county or district
8 where the season commences.

Act of March 1819, § 75. When to be entered, where commissioner calls on owner for list before the season commences, &c.

75. If the commissioner shall call on any person or persons owning any stud horse or jack ass
2 for a list of his property before the season commences, and the said owner shall be unable to
3 ascertain the price at which such horse or ass will stand for the season, or if any person, after the
4 commissioner so calling, shall become the owner of any horse or ass, or shall receive any thing,
5 either directly or indirectly, for the season, or shall permit any such horse or ass to be kept at his
6 stable, it shall be the duty of such persons to enter such horse or ass with the commissioner of the
7 county or district wherein he resides, on or before the first day of May in every year. Any person
8 failing to enter a horse or ass agreeably to the provisions of this act, or who shall enter such horse
9 or ass at a less price than he shall receive, payable within the season, shall forfeit and pay treble
10 the amount of the sum at which such horse or ass shall stand, to be collected and accounted for
11 by the sheriff, on oath, for the use of the commonwealth.

Penalty for neglect, or for entering horse or ass at too small a sum.

How collected and appropriated.

Act of March 1819, § 76. Remedy by attachment allowed person other than owner becoming liable for the tax.

76. Any person other than the owner, who shall become liable for the tax on any stud horse or
2 ass under the provisions of this act, and shall think himself in danger of losing the same, shall
3 have his remedy on the horse or ass by attachment or otherwise.

Act of March 1819, § 77. Person removing such horse or ass out of county, &c. after 9th of March, to produce certificate of commissioner. Penalty for failure. How collectable and appropriated

77. When any person shall remove any stud horse or jack ass out of the limits of the county or
2 commissioner's district wherein he is resident, after the ninth of March in any year, it shall be the
3 duty of such person removing such horse or ass as aforesaid, to produce to the sheriff of the county
4 into which such horse or ass is removed, a certificate from the commissioner of the county or dis-
5 trict from which such horse or ass is removed, that such horse or ass has been duly entered with
6 such commissioner, and the sum for which such horse or ass is entered for the season. Every
7 person failing as aforesaid shall forfeit and pay treble the amount of the sum at which such horse
8 or ass shall cover for the season, to be collected and accounted for by the sheriff, on oath, for the
9 use of the commonwealth.

Clerks to transmit copies of commissioners' bonds to the auditor.

78. It shall be the duty of the clerks of the several county and corporation courts within this
2 commonwealth to transmit to the auditor of public accounts, on or before the first day of February
3 in each year, certified copies of the bonds executed in their respective courts by the commissioners
4 of the revenue; which certified copies shall be evidence in any prosecution by the auditor against
5 the said commissioners for any official misconduct or neglect of duty; and if any clerk shall fail
6 to perform the duty aforesaid, he shall be liable to a fine not exceeding four hundred dollars, to
7 be recovered by motion, on reasonable notice, in the general court.(c)

Such copies to be evidence.

Auditor to furnish commissioners with copies of the laws, &c. Expense, how defrayed.

79. It shall be the duty of the auditor to furnish the commissioners of the revenue throughout
2 the commonwealth with copies of all the laws defining their duties, together with such forms and
3 instructions as he shall see cause to give them; the expense whereof, and also of transmitting the
4 same, shall be defrayed out of the public treasury on the order of the executive.(d)

Taxes, when collectable.

When distrainable for. When payable into the treasury.

80. It shall be the duty of every sheriff and collector within this commonwealth to proceed to
2 collect all taxes imposed by law on lands, slaves and other property, agreeably to the lists taken
3 and returned by the commissioners of the revenue, commencing on the first day of July instead
4 of the first day of June as heretofore; and they may be distrained for on the first day of August
5 next succeeding, instead of the first day of July, as heretofore. And the sheriffs and collectors
6 shall, on or before the fifteenth day of December in each year, pay into the public treasury all

(c) Supp. R. C. ch. 263, § 1.

(d) Supp. R. C. ch 263, § 5.

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taxes to be by them collected in such year, allowing however to every sheriff or collector whose county courthouse is more than one hundred and fifty miles from the seat of government, one day after the said fifteenth day of December, for every thirty miles of such excess.(e)

Time allowed sheriffs in distant counties.

81. All sheriffs who shall, on or before the time appointed by law, pay into the treasury the full amount of the public revenue due from the counties in which they now act, or may hereafter act as sheriffs, shall at the time of making such payments respectively, be entitled to an additional compensation of two and a half *per centum* on the amount of the taxes by them accounted for and paid into the treasury, over and above the five *per centum* allowed by law.(f)

Additional compensation of two and an half per centum for prompt payment.

82. If any sheriff, coroner, or other collector of public taxes, commissioned or appointed since the first day of April, eighteen hundred and seventeen, shall fail to account for and pay into the public treasury the taxes with which he is chargeable, in the manner and at the time prescribed by law, every such delinquent, his security or securities, his or their executors or administrators, shall be liable to a judgment against them, jointly and severally to be rendered, in the general court, in the name of the commonwealth, on motion of the auditor, or other person appointed for that purpose, for the whole amount of such taxes, with interest on the principal sum, from the time when it should have been paid until the judgment shall be satisfied, and fifteen *per centum* damages in addition thereto.

Act of March 1819, § 63. Delinquent sheriffs, their sureties, &c. how proceeded against. Judgment for principal, interest, and fifteen per cent. damages.

83. It shall moreover be lawful for the auditor of public accounts, within twenty days after such delinquency shall have occurred, to file in the office of the general court, with the clerk thereof, an accurate account of the amount of taxes due from such sheriff, coroner or other collector, and not accounted for; and thereupon the clerk of the said court shall proceed to enter up a judgment against every such delinquent, his security or securities, his or their executors or administrators, jointly and severally, for the whole amount of such taxes, or such balance as may be unpaid, with interest on the principal sum from the time when it should have been paid until the judgment shall be satisfied, and fifteen *per centum* damages in addition thereto; which judgment shall be entered of record by the clerk, and shall have the same validity, and be subject in all respects to the like proceedings thereupon, as if it had been rendered by the court: *Provided however*, That if no judgment be taken within the time, and in the manner aforesaid, judgment shall thereafter be rendered by the general court, upon motion made by the auditor, or other person appointed for that purpose, of which motion the delinquent shall have reasonable notice.(g)

Auditor authorized to file an account of taxes with the clerk of the general court. Clerk to enter up judgment against officer and securities. Proviso.

84. In case payment be not made by any person chargeable with any tax, levy, fine or forfeiture or amercement, the sheriff or collector shall have power to distrain the slaves, (if other sufficient distress cannot be had,) goods or chattels which shall be found upon the lands, notwithstanding such slaves, goods or chattels shall be comprised in any deed or mortgage: but he shall make or take no unreasonable seizures or distresses upon penalty of being liable to the action of the party grieved, grounded upon this act; in which action the plaintiff shall recover his full costs, although the damages given may not exceed seven dollars. Nor shall he sell any other right or title in any slave, goods or chattels so distrained, than the person charged with such tax hath therein.

Act of March 1819, § 65. Distress for taxes, how to be made. Remedy for unreasonable distress. Costs allowed party grieved. What title officer may sell.

85. And, in the collection of taxes due upon lands, the sheriff shall be authorized to distrain any personal property in his bailiwick, belonging to the person to whom such taxes are charged, or any personal estate on the land in possession of such person, his tenant, or any other claiming title by, through or under him: *Provided*, That the property of any person in possession of any part of a tract of land or lot, the whole of which stands charged to another, having a freehold title of record to that part, derived by, through or under that other, shall not be liable to distress for any taxes on the residue of the land, having accrued subsequent to the date of such record: *And provided also*, That the sale of any personal property distrained upon the land, for taxes due thereon, shall convey only such title as the owner or occupier of such land held in such personal property.

Act of March 1819, § 66. What personal property may be distrained for land tax. Proviso in favor of purchaser in possession of part of the land. Further proviso what title shall pass by sale.

86. And, where any tenant shall be distrained for the taxes due from the proprietor of the land, he shall have credit for the same against such proprietor, out of the rents he may owe him; but this act shall not be construed to destroy or impair any contract, by which the tenant may be bound to pay the said land tax or any part thereof.

Act of March 1819, § 67. Tenant distrained for taxes due from proprietor, may deduct them from his rent.

87. Whenever any sheriff or other officer shall have distrained any goods or chattels for the satisfaction of any taxes, militia fines, county levies, poor rates, clerks' or other officers' fees, fines, forfeitures or amercements, and the payment shall not be made to him at or before the next succeeding court of his county or corporation, he shall advertise and sell such goods and chattels in the same manner as if they had been taken under an execution of *fieri facias;* unless the owner of the property, or his agent, shall require an earlier sale thereof, and in such case the sheriff,

Goods distrained for taxes, &c. when and how to be sold.

(e) Rev. Code 1819, ch. 183, § 62. Supp. ch. 266. Acts 1838, ch. 3, § 5. Acts 1839, ch. 4, § 2.
(f) Rev. Code 1819, ch. 78, § 28.
(g) Supp. Rev. Code, ch. 266, § 2. Some change in the phraseology of the section, in order to conform it to the preceding one.

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after reasonable notice of the time and place of sale, shall proceed to sell the said property, or so much thereof as shall be sufficient to discharge the said taxes or other dues, and the charges of distress and sale, for ready money.(*h*)

Act of March 1819, § 69. When and how taxes may be distrained for before time prescribed. Oath by sheriff or collector.

88. When any sheriff or collector of taxes shall have good cause to suspect that any person means to remove his property without the limits of his jurisdiction, so that in his opinion there may be a probability of the taxes with which such person is chargeable, being lost by the public, it shall and may be lawful for such sheriff or collector, on making oath thereto before a magistrate, and receiving a certificate of such oath, to levy distress on the goods and chattels of such person, for the amount of taxes with which he or she is then chargeable, at any time before the first day of August,* any thing in this act to the contrary notwithstanding.

Act of March 1819, § 70. Taxes not distrainable for after being two years uncollected in officer's hands.

89. No sheriff or other collector shall be authorized to distrain for any taxes, unless the same shall have been put into his hands for collection by the public agent within two years next before the time of distress.

Act of March 1819, § 71. Rule as to distraining where the land lies in two counties.

90. In any case where a tract of land charged with the taxes in one county, lies partly in that county and partly in another, it shall be lawful for the sheriff or collector of the county in which the land is so charged, to distrain on that part of the land lying in the other county, in the same manner as if such part was actually in his own county.

Act of March 1819, § 72. In vacancy of offices of sheriff and coroner, executive may appoint collector. To give bond and security. His powers, duties and liabilities. Time allowed him for payment into the treasury. Compensation.

91. If at any time, by reason of the vacancy of the offices of sheriff and coroner in any county, there shall be no person authorized to collect the revenue thereof, it shall be lawful for the executive, if they deem it expedient, to appoint a collector for that purpose. The collector so appointed, before he enters on the duties of his office, shall give bond and security in the court of the county for which he is appointed collector, in the same manner as a sheriff is required to do, conditioned for duly collecting and accounting for the public revenue. When such bond shall have been executed, the collector so appointed shall have all the powers, and be bound to perform all the duties in the collection of the revenue that a sheriff would have and be bound to perform in the collection thereof. He shall account therefor and pay the same into the public treasury at the same time, and in the same manner as a sheriff, having the same allowances for insolvencies and commissions, and being in all respects liable to the same fines and penalties, and to the same recoveries: *Provided, however*, That such collector shall not be required to account for and pay the revenue collected by him, within less than eight months from the time of giving bond as aforesaid; and that the executive may, when it shall be found necessary to the appointment of such collector, contract to allow him a commission on his collections not exceeding twenty *per cent.*

Auditor to appoint collectors of public taxes, and when. Time allowed them for collecting. Bond and security. Compensation.

92. Hereafter it shall be the duty of the auditor to appoint collectors of the public taxes in all cases where the sheriffs of the counties and corporations in this commonwealth have failed to perform that duty. Such collectors shall have a reasonable time allowed them by the auditor for making the collection, and shall, before they act, give bond and security, before the courts of their respective counties and corporations, to the governor for the time being, and his successors in office, conditioned for the faithful performance of their duties, and for the punctual payment into the treasury of all moneys which shall come into their hands. They shall be allowed a reasonable compensation for their services, to be agreed on by the executive before they proceed to discharge their duties, not exceeding twenty *per centum* on their collection.(*i*)

Collectors of taxes authorized to appoint deputies. Oath required.

93. The several collectors of the public taxes now in office, or who may hereafter be appointed, shall have power to appoint one or more deputies, who shall, each of them, before entering upon his duties, take, before the court of the county or corporation in which such arrears may be due, the proper oaths of office.(*k*)

Responsibility of principals for acts of such deputies. Remedy against them for misconduct.

94. The official acts of every such deputy appointed and qualified as aforesaid, shall be considered as the acts of his principal; and for every failure, neglect or breach of duty, his principal, or his executors or administrators, shall have the same remedy against him and his securities, and against the executors and administrators of such deputy and his securities, as is given by law to a sheriff against his deputy and securities, and against their executors and administrators.(*l*)

Deputy collectors may distrain for taxes due at time of death of their principals. Liability for such taxes.

95. It shall and may be lawful for all deputy collectors of the public taxes to collect and make distress for all such taxes as may be due at the time of the death of their principals; and every such deputy shall be accountable for such taxes in like manner as if the principal collector had lived.(*m*)

County courts to qualify persons to complete collections in case of death of collector and deputies.

96. It shall be lawful for the county courts within this commonwealth to qualify any person or persons for the purpose of completing the collection of any collector of the public taxes in any county where such collector and his deputies shall die before such collection shall be completed;

(*h*) 2 R. C. ch. 183, § 68; amended by act of 1821, Supp. ch. 133, § 8.
* July in act of 1819.
(*i*) Supp. R. C. ch. 281, § 3.
(*k*) Supp. R. C. ch. 282, § 3.
(*l*) Supp. R. C. ch. 282, § 4.
(*m*) Supp. R. C. ch. 282, § 5.

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and the person or persons so appointed, after having given bond and security to the executors or administrators of such collector, to be approved of by the court, for the faithful performance of the duties of the office, shall have the same power in all respects for collecting such taxes as the principal collector would have had. The person or persons so appointed shall in all respects be subject to the same penalties for neglect of duty, or for failing to account for and pay to the person or persons authorized to receive the money by him or them so collected, and may be proceeded against by such executors or administrators in the same manner as deputy sheriffs are liable to, and may be proceeded against by their principals.(*n*)

Bond and security required of such persons.

Their powers and liabilities.

97. In every sheriff's, coroner's or collector's bond hereafter taken for the collection of the taxes of any county or corporation, such sheriff, coroner or collector shall be required to collect all arrears of taxes due within such county or corporation; and such sheriff, coroner or collector shall be charged by the auditor with such arrears, and he shall in all respects account therefor and pay the same into the treasury in the same manner, and subject to the same penalties as are prescribed by law in relation to other taxes.

Act of March 1819, § 73. Sheriffs, &c. bound to collect arrears of taxes. How accountable and liable therefor.

98. A list of all insolvents to be returned by the sheriff or collector to the court of the county, and allowed and certified by the court, (if it be satisfied with the truth thereof,) shall be transmitted by the clerk to the auditor of public accounts; and no sheriff shall have credit for such insolvents in his account with the public, unless the same be so allowed and certified; nor shall any such list be allowed, unless verified by the oath or affirmation of the sheriff, collector or other person exhibiting the same.

Act of March 1819, § 78. List of insolvents, how certified and allowed to sheriff or collector. Affidavit required.

99. The sheriff or collector of the revenue tax shall, in each year, on or before the April term of his county or corporation court ensuing the year of collection, return to the said court a list of all lands and lots placed on the commissioner's books, which in the estimation of the said officer are not ascertainable, or are improperly placed thereon, with the amount of taxes charged thereon; which list shall be verified by the oath of the officer making such return. The court shall examine the said return, and being satisfied that the same is correct, or having corrected it, shall direct their clerk to certify a copy of the same to the auditor of public accounts, who shall place the same to the credit of the said sheriff or collector. Another copy shall be certified to the commissioner, who shall the next year correct his books in conformity to such certificate.(*o*)

Return of lists of lands not ascertainable, or improperly on books, when and how made. How verified. When and by whom certified to auditor and commissioner.

100. The sheriff or collector of the revenue tax shall, in each year, on or before the April term of his county or corporation court ensuing the year of collection, and not after, return to the said court a list of all lands and lots (other than those not ascertainable as aforesaid, or are improperly placed thereon) within his county or corporation which are delinquent for the non-payment of taxes due thereon; and shall distinctly set forth that he could find no property in his bailiwick belonging to the person charged with such taxes; and that after diligent enquiry, he could not find property on the said land or lot liable to distress sufficient to satisfy the taxes due thereon; which list shall be alphabetical, and in the following form:

Return of lands delinquent for non payment of taxes, when to be made. What it shall express.

List of lands and lots within the county of delinquent for the non-payment of the taxes due thereon for the year . Form.

Name of person.	Residence.	Estate held.	Quantity of land.	Amount of taxes.	
Description and local situation of land.	Distance and bearing from the courthouse.	Amount of tax.	Why returned delinquent.	Dolls.	Cts.

At the foot of such return he shall take and subscribe the following oath or affirmation, which may be taken before any justice of the peace, and certified by him:

I, A. B., sheriff, (or deputy sheriff, as the case may be,) do solemnly swear, (or affirm,) that the foregoing list of delinquencies in the land tax in the county of , for the year , is, as I do verily believe, correct and just; that I have received no part of the taxes therein returned delinquent; and that I have made diligent enquiry for the purpose of finding property within my bailiwick liable to distress for the said taxes, but have found none.

Affidavit to be subscribed.

A. B., sheriff of county.

or D. S. for sheriff of county.

Which list it shall be the duty of the court to examine, and if made out, sworn to, and subscribed in the form aforesaid, and the court shall be satisfied of its truth, they shall direct the original to be preserved by the clerk in his office, and a copy thereof to be certified by him to the auditor of public accounts, who shall place the same to the credit of the sheriff or collector of the revenue.(*p*)

Court to certify lists of delinquent lands to auditor.

(*n*) Supp. R. C. ch. 282, § 6.
(*o*) Supp. R. C. ch. 290, § 10.
(*p*) R. C. 1819, ch. 183, § 79, 80, 81, 82. Supp. R. C. ch. 290, § 11. Acts 1834-5, ch. 13, § 6. Acts of 1838, ch. 3, § 6.

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Penalty on clerk for failing to certify list.

101. If the clerk of the county or corporation court shall fail, for the space of thirty days after any such list shall be allowed, to certify a fair copy thereof to the auditor, as herein before required, he shall for every such failure forfeit and incur the penalty of one hundred dollars, to be recovered by the auditor, on motion in the general court, upon reasonable notice; and in all prosecutions for such penalty, the *onus probandi* shall be on the defendant.(*q*)

How recovered.

Act of March 1819, part of § 83. Swearing falsely to any such list perjury.

102. If any sheriff, deputy sheriff or collector, shall swear falsely to any such list, he shall be deemed guilty of perjury, in the same manner as if he had sworn falsely as a witness in a suit depending in a court of justice, upon some point material to the issue; and for such offence he shall suffer all the pains and penalties of wilful and corrupt perjury. If any such sheriff or collector shall, either by mistake or by design, return in such list any land delinquent for the non-payment of the taxes, when such taxes or any part thereof shall actually have been paid to him, or when he had either found, or by diligent enquiry, might have found sufficient property within his bailiwick liable to distress, from which the said taxes, or a part thereof, might have been made, such sheriff or collector, besides being liable to an action for damages, shall forfeit and pay to the person aggrieved by such return the following fine: that is to say, in case of having received the taxes so returned delinquent, twenty times the amount of taxes so actually received: (*Provided*, That such fine shall not exceed one hundred dollars over and above the money so received;) and in case of having found, or having been able to find, upon proper enquiry, property liable to distress, ten fold the amount of the taxes which might have been made therefrom: (*Provided*, That such fine shall not exceed fifty dollars over and above the taxes which might so have been made.)

Penalties for improperly returning lands delinquent by mistake or design.

How recoverable.

These fines may be recovered by motion, on ten days previous notice, before the superior or inferior court of the county, against such sheriff or collector, his executors, administrators, or against his securities, or any one or more of them, or their or either of their executors or administrators.

Auditor to transmit to sheriffs every five years lists of delinquent lands to be sold.

103. It shall be the duty of the auditor of public accounts to keep a fair record of all lands and lots returned delinquent for the non-payment of taxes, and in the months of April, May or June, of the year eighteen hundred and forty, and in the same months in every five years thereafter, to cause a list of the lands and lots so returned delinquent for each county and corporation, (the taxes on which shall not have been paid as hereinafter directed,) to be delivered to the sheriff or collector of the revenue for the counties and corporations respectively, with a statement of the taxes due on each tract or lot of land, with six *per centum* damages thereon, for each and every year the said taxes, or any portion thereof, may have been due and unpaid, and to charge the amount of taxes and damages due on such list to the sheriff or collector of the revenue, to whom the same may be delivered. The sheriff or collector of the revenue, within twenty days after receiving such list, shall make out three fair copies thereof, and set up one copy at the front door of the courthouse, and the other two copies he shall, within the period aforesaid, set up at two of the most public places within his county or corporation, subjoining to each copy a notification, that unless the taxes and damages charged upon the lands and lots in said list mentioned, shall be paid on or before the day of sale, the said lands and lots, or so much thereof as shall be sufficient to pay and satisfy the taxes and damages due thereon, with five *per centum* to the sheriff or collector for his trouble in making sale of the same, will, on the first day of the next succeeding September or October court, between the hours of ten in the morning and four in the evening, at the door of the courthouse of said county or corporation, be sold at public auction.(*r*)

Notice of sale to be given by sheriffs.

Sale to be made.

104. The said sheriff or collector shall, pursuant to his notification, proceed to make sale of all lands and lots within his county or corporation, so as aforesaid returned delinquent for the non-payment of taxes, the taxes and damages on which shall not have been paid before the day of sale, and shall be governed in all his proceedings in making such sale, by the direction and provisions of the act, entitled, "an act concerning delinquent and forfeited lands, and providing for the sale of lands returned delinquent hereafter for the non-payment of taxes," passed March tenth, one thousand eight hundred and thirty-two. And if the sales be not finished on the day appointed in the advertisement, they shall be adjourned from day to day, during the sitting of the court, and if not then finished, be adjourned till the first day of the next court, and then proceeded in between the hours and at the place above prescribed; and if such adjournment to the next court be made, notice shall be given by advertisement at the door of the courthouse.(*s*)

Proceedings thereupon.

Lands heretofore bought in for the commonwealth to be again sold.

105. All lands and lots which may have been sold under the afore recited act, and purchased by the sheriff or collector, in behalf of the commonwealth, shall be embraced in the lists required to be made out by the auditor in the year eighteen hundred and forty, and shall again be offered for sale by the sheriff or collector in that year with other delinquent lands; and until the day of sale, all such lands so purchased in behalf of the commonwealth, shall be redeemable

(*q*) Acts of 1834 5, ch. 13, part of § 12.
(*r*) Acts 1834 5, ch. 13, § 7.
(*s*) Acts 1834-5, ch. 13, § 8.

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on warrant from the auditor, by payment of the taxes and damages into the public treasury.(*t*)

106. When the sheriff or collector shall have completed his sales in the manner and at the periods prescribed by law, he shall render to the court of his county or corporation a fair and distinct statement of his proceedings; in which statement shall be set forth the particular tracts or lots of land sold, and the amount of the purchase money, as well as such tracts or lots as shall have been offered for sale and not sold for want of bidders; and the court being satisfied of the truth of said statement, shall certify the same to the auditor of public accounts. The sheriff or collector shall account for the nett proceeds of the sales, at the same period and under the same penalties prescribed in relation to the public revenue.(*u*)

Return of sales by sheriffs to court to be certified to auditor.

Sheriff's accountability.

107. In all cases of sales of lands or lots for the taxes charged thereon, if the legal or equitable owner thereof, or his authorized agent, shall, within the time required by law, tender to the purchaser the true amount of taxes and damages in redemption thereof, and the said purchaser shall, without just cause, to be adjudged by the court of the county or corporation where the lands or lots lie, refuse to receive the amount thereof, or if the said purchaser shall reside without the limits of this commonwealth, or in any other county or corporation than that in which the lands or lots so purchased shall lie, having no known agent therein willing to receive the amount of taxes and damages charged on such lands or lots, it shall be lawful for the said owner, or his authorized agent, to deposit the amount of the taxes and damages due to such purchaser, with the clerk of the county or corporation, who shall grant an acquittance therefor, and shall cause the lands or lots so redeemed to be re-entered on the land book, in the name of such legal owner.(*v*)

How lands sold for taxes redeemed. Remedy in certain cases.

Lands redeemed to be re entered.

108. The taxes and damages due upon any lands and lots returned delinquent for the non-payment of taxes, shall be and remain a lien upon said lands and lots until the same shall be fully paid and satisfied. And until such delinquent lands and lots shall be sold according to law, it shall be lawful for any person or persons having or claiming title thereto, his attorney or agent, to pay the taxes and damages charged thereon into the public treasury, upon the certificate of the auditor of public accounts, and for every such certificate the auditor shall be entitled to demand from the person receiving the same a fee of fifty cents.(*w*)

Taxes, &c. to remain a lien on lands till paid.

Lands may be redeemed before sale.

109. The justices of the county or corporation courts, and the legal representatives of the commissioners of the revenue, failing to perform any one of the duties imposed on them respectively by this act, shall be subject to a fine of one hundred and fifty dollars, to be recovered by motion in the general court, at the instance of the auditor; notice of such motion being previously given in the same manner as to delinquent sheriffs.

Act of March 1819, § 89

Penalty on justices and representatives of commissioners for breach of duty.

110. All and every act and acts, clauses and parts of acts, containing any thing within the purview of this act, shall be and the same are hereby repealed: *Provided always*, That nothing herein contained shall prevent the collection and recovery of any arrearages of taxes due before the commencement of this act; but such arrearages shall be collected, paid and distrained for, and recovery had against all delinquents, and the damages on failure of payment thereof shall be the same as if this act had not been made: *And provided*, That all rights and remedies, fines, penalties and amercements, shall remain in the same condition as if this act had never been made.

Act of March 1819, § 92. Repealing clause. Proviso.

Further proviso.

111. This act shall be in force from and after the passing thereof.

Commencement.

(*t*) Acts 1834-5, ch. 13, § 10.
(*u*) Acts 1834-5, ch. 13, § 11.
(*v*) Acts 1834-5, ch. 13, § 14.
(*w*) R. C. 1819, ch. 183, § 87. Acts 1834-5, ch. 13, § 9.

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AMENDMENTS

Proposed by the Auditor to the "Act reducing into one the several acts prescribing the mode of ascertaining the Taxable Property within the Commonwealth, and of collecting the Public Revenue." See Bill No. 1.

Section 1st. Strike out after the enacting clause to the word *mentioned* (inclusive) in the 3d line, and insert, "That the court of every county within this commonwealth, and of the corporations hereinafter named, shall, annually, in the months of September or October, appoint discreet and reputable persons to be commissioners of the revenue."

Section 3d. After the word "county," in the 2d line, insert the words, "or sergeant of the corporation."

Section 4th. Add "Nansemond" to the class authorized to appoint two commissioners, and strike it from the class appointing one only. That county is authorized by the law as now in force to appoint two commissioners, but was inadvertently omitted in this revision. Add also the counties of Hardy, Lewis and Russell, to the same class, and strike them from the list of counties to which only one commissioner is assigned, they having been also arranged by mistake in the revised section, in consequence of the act of January 21, 1824, (which authorized them to appoint two commissioners,) being omitted from the Supplement to the Revised Code.

Strike out the following counties from the class authorized to appoint two commissioners, and place them in the class having authority to appoint one only, viz: *Bath*, *Botetourt*, *Culpeper*, *Frederick*, *Kanawha*, *Monongalia*, *Montgomery* and *Wythe*. [Note.—From parts of all these counties new ones have been formed since the classification was made by the act of 1819, and to each of such new counties a commissioner has been of course assigned.]

Section 6th. At the end add the following: "Nor shall any justice of the peace be appointed commissioner of the revenue, if any other justice shall have held the office in the same district for the year next preceding, unless such previous incumbent shall have died or removed from the commonwealth."

[Note.—The design of this amendment is to correct the practice which prevails in the courts of many counties, of conferring annually the office of commissioner upon the members of their own body. I consider this practice as extremely injurious, inasmuch as it deprives the public of the services of a good officer, when one is obtained, and is almost certain to ensure the appointment of some who are altogether incompetent. The office of commissioner is one of considerable importance, and although it may be *faithfully* discharged by an honest incumbent, can only be *ably* and *effectively* filled by one of some experience.]

Section 11. Strike out the whole of the section, and insert in lieu thereof the following, to wit: "It shall be the duty of the commissioners of the revenue to place and retain on their books the value of all improved lots in any city, town or borough, as ascertained by the assessors under the general assessment law, although the annual tax may be imposed upon the rent and not upon the value; and in like manner they shall place and retain upon their books the assessed value of all improved lots not rented or occupied by the proprietor; and also of all unimproved lots in any such city, town or borough, the tax whereon shall be estimated according to such assessed value, and at the same rate per annum as is paid on lands in the country."

[Note.—This amendment is necessary to preserve the new assessment of real estate in towns, through all the changes and transfers of property. If the commissioners shall be allowed as heretofore to discard such assessment or valuation from their books, it would create great confusion should the legislature at any time determine to change the mode of taxing town lots.]

Section 17. 2d line after the word "lies," insert the words, "or in some other court having competent jurisdiction."

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Section 18. After the word "alteration," in the 7th line, insert, "in quantity or value;" and in the same line, after the words "fifty cents," insert, "to be charged to the person for whom, or in whose name, such alteration is made."

Section 21. Strike out the word "*tax*" in the 7th line, and insert in lieu thereof the word "assess;" strike out in the 8th line the words "and class the same accordingly," the term *class* being applicable only to the proceedings under the equalizing law of 1782.

Section 22. Strike out the whole section, and insert in lieu thereof the following: "If a tract of land which actually lies in one county shall have been, or shall hereafter be erroneously assessed in another, it shall be the duty of the commissioner of that county or district where the same shall be so erroneously assessed, to certify the name of the owner thereof, the quantity, valuation, and other particulars concerning such tract, to the commissioner of the county or district where the same actually lies, who shall enter the same on his books, and charge the tax thereon according to law. The commissioner so certifying such tract, shall, upon being advised of its entry in the proper district, strike the same from his own land book."

Section 29. At the end of the section add the following words: "Which said certificate shall be annexed by the clerk after due comparison and examination to each of the fair copies of the land book hereinafter required to be made out by the commissioner."

Section 32. Strike out in the 6th and 7th lines the words "in correcting the equalizers' book, and."

Section 33. Strike out the last clause in the section beginning with the words, in the 17th and 18th lines, "If such application," &c., to the end.

Section 34. Strike out in the 4th line the words "within the times hereby limited, either;" and also the words in the same line, "the auditor, or the sheriff." In the 5th line strike out the words "for each offence." Strike out the words, beginning in the 9th line, "the fine for not transmitting a copy of the land book to the auditor's office, shall be recovered by motion on thirty days previous notice thereof." Strike out the words in the 11th line, "or to the sheriff."

[The fines upon the commissioner for his failure to deliver to the sheriff and auditor a copy of his land book, and the proceedings for their recovery, are more effectually provided for in the 60th and 61st sections of this act.]

Section 41. Insert before the word "destroyed," in the 11th line, "either wholly or partially."

Section 51. Strike out the word "done," in the 3d line.

Section 54. Add at the end of the section the following: "And the said commissioners shall ascertain by the oath of each vender of merchandize, or other satisfactory evidence, the amount of stock on hand, or the value of goods, wares and merchandize, in the possession of such vender on the 1st day of March next preceding, estimated at cash prices—and shall return the amounts so ascertained as other property is listed and returned, calculating the tax thereon which may be annually imposed by the legislature. And such wholesale or retail vender of merchandize failing or refusing to render an account on oath of the value of such stock if required, or rendering a false or fraudulent statement thereof, shall be dealt with in the same manner and be liable to the same penalties as are herein imposed upon other persons in regard to other property or subjects of taxation.

[The design of the foregoing amendment is to introduce into the revenue laws as a permanent provision what is contained on the same subject in the temporary act of 10th April, 1839, "imposing taxes for the support of government."]

Section 56. Strike out in the 19th and 20th lines the words "on or before the last day of June;" and insert after the word "annually," in the 20th line, the words "at the time of the delivery of the land books."

Section 60. 4th line, strike out "one dollar," and insert "two dollars."

Section 61. At the end of the section insert, "But nothing in this act shall be so construed as to excuse any sheriff or collector from receiving the land and property books, and making his collections therefrom, although the same may not have been tendered or delivered by the commissioner at the time prescribed by law: *Provided, however*, That the said sheriff or collector shall be allowed an additional time to make and

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account for his collections, corresponding with the period for which the commissioner shall have neglected to deliver his books according to law.

Section 65. Strike out the county of *Hardy* in the 14th line, and the county of *Russell* in the 15th line, those counties having been improperly inserted in the revised section.

In the 18th line, strike out "*county*" after "Patrick," and insert "Lee and Lewis counties."

21st line, strike out "Lee," and insert, "Hardy, Russell."

[The foregoing changes are proposed in order to conform the revised section to existing laws. The act of 21st January, 1824, authorizing certain counties to appoint two commissioners, was omitted from the Supplement to the Revised Code, and thereby escaped the auditor's attention.]

If the counties of Bath, Botetourt, Culpeper, Frederick, Kanawha, Monongalia, Montgomery and Wythe, should be restricted to one commissioner, (see amendments proposed to the 4th section,) the compensation of each should be increased to $200.

Strike out the 74th, 75th, 76th and 77th sections, and insert in lieu thereof the following, viz: "The owner or owners, his or their agent, manager, or other person having charge or custody of any stud horse or jackass, let to mares for the season, shall, at the commencement of such season, pay to the sheriff or collector of the public revenue in the county or district where such horse or ass shall stand, the tax imposed thereon by law, and shall forthwith file such receipt with the commissioner of the revenue for said county or district, whose duty it shall be thereupon to grant to such person a license or certificate in writing; and if any such owner or owners, his or their agent, manager, or other person having charge or custody of such horse or ass, shall let, or permit the same to be let to mares, without having paid the tax and obtained a license or certificate as aforesaid, he or they shall be subject to the same penalties, and be liable to the same proceedings for recovery, as are now provided by law against hawkers and pedlars failing to obtain license. Every such license or certificate shall authorize the person to whom it is granted to remove the horse or ass upon which the tax has been paid into any other county without additional charge or tax during the season; and all such licenses or certificates shall be embraced by the commissioners of the revenue in their lists of merchants' licenses transmitted to the auditor of public accounts as required by law."

[The foregoing amendment is designed to simplify and secure the collection of a tax, the payment of which is believed to be frequently evaded.]

Section 81. Add at the end of the section, "*Provided*, That nothing herein contained shall authorize the allowance of more than 5 per centum on the collection of taxes on licenses."

Section 82. Strike out the following words, commencing in the first, and ending in the second line, viz: "Commissioned or appointed since the first day of April, eighteen hundred and seventeen."

Section 92. After the word auditor, in the first line, insert, "if he deems it expedient."

[The insertion of these words, by way of amendment, is necessary in order to make that a discretionary which is now an imperative duty. The 91st or preceding section gives the power to the executive to appoint collectors in cases of *vacancy* in the office of sheriff or coroner. The 92d section confers that authority on the auditor where the sheriffs in office have failed to collect; and the 97th section makes it the duty of each sheriff, coroner or collector, on executing bond, to embrace therein the collection of arrearages. By making the auditor's duty discretionary, he may deem it best for the interests of the commonwealth to decline appointing a collector, preferring that a subsequent sheriff, &c., should collect the arrearages. If his duty to appoint remains imperative, the 97th section would be rendered nugatory.]

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[BILL No. 2.]

AN ACT

Amending and reducing into one act the several acts and parts of acts concerning the Taxes on Licenses to Keepers of Ordinaries and Houses of Private Entertainment, to Merchants, to Vendue Masters, to Brokers, to Venders of Lottery Tickets, to Hawkers and Pedlars, to Exhibitors of Public Shows, on Law Process, on Notarial Seals, and certain other subjects.

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1. *Be it enacted by the general assembly,* That it shall not be lawful for any person to sell goods, wares, merchandize, or other articles of foreign or domestic growth, production or manufacture, or both or either, by wholesale or retail, on land, or on board of any vessel within this commonwealth, unless he or she shall have paid the tax required by law, and obtained a license according to the provisions of this act; and any person failing or offending herein, for every such offence, shall forfeit and pay a sum equal to double the amount of the tax, for the time being, imposed by law for such privilege, to be recovered in any court having jurisdiction, by information or indictment, or in any court of record of the county or corporation, after ten days previous notice, by motion of the commissioner of the revenue of the district, or of the county or corporation, if there be no districts, for the commonwealth, to the use of the literary fund; or by motion of any person who will proceed therein, one half thereof to the informer, and the other half to the commonwealth, for the use of the literary fund.(*a*)

Merchants to obtain licenses.

Penalty for failure.

How recoverable.

2. *Provided,* That nothing herein contained shall be so construed as to prevent any person from disposing of any goods, wares, merchandize, or other articles of his or her own manufacture within this commonwealth; nor to prevent any person from repairing watches or other things, and thereby vending such materials as are used by him or her in the operation; nor to prevent any person from selling any kind of provisions or agricultural commodities, the growth or production of this state, or any of the United States; nor to prevent any planter or farmer from selling salt, iron, steel, tea, sugar, coffee, molasses, spices or gypsum, to his or her neighbours, when such articles are purchased as a return load for his or her produce, or other property taken to market; nor to prevent the officers or trustees of any seminary of learning from selling such text books as they may have purchased or imported, to the students of such seminary; nor shall it be necessary, in any such cases, to pay a tax or obtain a license.

Manufacturers may dispose of their manufactured articles.

Farmers, &c. may sell without license articles purchased as return loads.

Text books may be sold by trustees of seminaries.

3. Nothing in the foregoing proviso contained shall be so construed as to exempt any person, not having procured an ordinary license and certificate, from the fines, penalties and prosecutions prescribed and imposed by law for selling by retail, any wine, rum or brandy, or other ardent spirits, or a mixture thereof, to be drank in or at the place where it shall be sold, or in any booth, arbour, or stall; nor to authorize any person to sell by retail any of such liquors as aforesaid, not to be drank in or at the place where it shall be sold, or in any booth, arbour or stall; and any person, other than such as are hereinafter excepted, who shall, otherwise than is hereinafter expressly provided, sell by retail any of such liquors as aforesaid, not to be drank in or at the place where it shall be sold, or in any booth, arbour or stall, shall, for every such offence, be subject to a like penalty as is imposed by law for failing to obtain a retail merchant's license, to be recovered, in all respects, in the same manner.

Exemption not to extend to retail of liquors without license.

4. *Provided,* That nothing in this act shall be construed to prohibit any person, having obtained a license according to law, for selling goods, wares, merchandize, or other articles, within any incorporated town of this commonwealth, from retailing at his or her store, in such incorporated town, during the period for which such license may have been granted, any wine, rum, or brandy, or other ardent spirits, or a mixture thereof; nor to prohibit any person from retailing such liquors as shall actually have been made from the produce of his or her own estate, or distilled

Prohibition against retailing liquors not to extend to incorporated towns.

Nor to persons selling liquors, the produce of their estates.

(*a*) See note to § 21.

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Not to be drank in store or on plantation.

by him or her, or those in his or her employ; so as such liquors be not drank in or at the store within such incorporated town, nor in or at the house or plantation, as the case may be, where the same shall have been sold; and if any dispute shall arise as to the making such liquors, the burden of proof shall be on the defendant.

Burden of proof to be on defendant.

How merchants may obtain licenses to retail liquors not to be drank in store.

5. *Provided also*, That if any person, having obtained a license according to law, for selling goods, wares, merchandize, or other articles, at some place not within any incorporated town, shall, in addition thereto, have obtained from the court of the county wherein his or her store is situated, a certificate that such store is a place fit and convenient to the neighbourhood, for the retail of such liquors, and that he or she is of good character, such person shall, by virtue of such certificate, but not otherwise, be authorized, during the time for which his or her merchant's license may have been granted, to retail at his or her store, any wine, rum, brandy, or other ardent spirits, or a mixture thereof, so as such liquors be not drank in or at the store where the same shall have been sold; but such certificate shall be renewed whenever the merchant's license is renewable; and it shall moreover be lawful for the court of the county wherein such store is situated, at any time during the period for which such certificate may have been granted, upon the motion of any inhabitant of the county, after ten days previous notice to such merchant, for good cause shewn, to set aside and revoke such certificate; and thereupon the right of such merchant to retail such liquors, shall cease and determine.

How licenses may be revoked.

How wholesale or retail merchants to obtain licenses.

6. Upon any person producing to the commissioner of the revenue for his or her district, or for his or her county or corporation, if there be no districts, a receipt from the sheriff, or other collector of the revenue of such county or corporation, for the amount of the tax imposed by law for such privilege, such commissioner shall grant to such person a license to sell within his district, or within his county or corporation, if there be no districts, any goods, wares, merchandize, and other articles of foreign and domestic growth, production or manufacture, as a wholesale or retail merchant, according to the tax paid; which license shall designate the time for which it is granted, the amount of tax paid, the place at which such goods, wares, merchandize or other articles are to be sold, and whether it is for a wholesale or retail business. If there be no sheriff or other collector, the clerk of the county or corporation shall receive the tax imposed by law, and his receipt shall entitle the applicant to a license, in the same manner as the receipt of the sheriff or collector.

License what to specify.

When clerk to receive tax and grant receipt.

Not more than one tax to be paid for same store, but separate tax for each.

7. Not more than one tax shall be paid on account of selling at one and the same store; and if any person shall keep two or more stores, or sell at any other place than that designated in the license, he or she shall pay one tax for each store or place of sale: *Provided*, That it shall be lawful for any person having paid a tax for a license to sell at some one place, and wishing to remove his or her store permanently to some other place, to have his or her license altered accordingly, by the leave and under the supervision and control of the county or corporation court of that county or corporation in which the same shall have been granted.

Merchants removing may have license altered.

Who to be considered wholesale merchants.

8. All merchants, one half in value or more of whose annual sales of goods, wares, merchandize, or other articles not exempt from taxation, consist of packages, bales, boxes, pieces, dozens, hogsheads, cases, chests, bags, barrels, pipes, puncheons, tierces, or casks, shall be entered on the commissioners' lists as wholesale merchants, and be charged for their licenses accordingly.

Who retail merchants.

If any merchant will solemnly swear, or affirm, before the commissioner of the revenue, who is hereby authorized to administer such oath or affirmation, that more than one half in value of his or her annual sales of goods, wares, merchandize, or other articles not exempt from taxation, consist of sales in parcels or quantities less than the package, bale, box, piece, dozen, hogshead, case, chest, bag, barrel, pipe, puncheon, tierce or cask, he or she shall be entered on the commissioner's list as a retail merchant, and charged accordingly; and any merchant failing or refusing to make such oath or affirmation when required, shall be listed and charged as a wholesale merchant.

When venders of silver ware, milliners, mechanics and others to pay half tax of retail merchants.

9. If any vender of silver, plated ware or jewelry, milliner, mechanic, or other person listed and taxable under the revenue laws as a retail merchant, will make oath or affirmation, before the commissioner of the revenue, who is hereby authorized to administer the same, that his or her average sales, in value per annum, of goods, wares, merchandize, or other articles, not of his or her manufacture, do not exceed the amount of sales of articles of his or her manufacture, or mechanical labour, and that he or she vends chiefly such goods, wares, merchandize, or other articles, as are connected with his or her line of business, such person shall only pay a tax equal to one half of the tax imposed by law on a retail merchant; and any such person failing or refusing, when required to make such oath or affirmation, shall be taxed without abatement, as a retail merchant.

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10. *Be it further enacted*, That vendue masters, brokers and venders of lottery tickets, shall be, and they are hereby required to pay the tax imposed by law on their respective occupations, and obtain licenses in the same manner as merchants' licenses are obtained; and on failure so to do, every vendue master who shall sell, at auction, any goods, wares, merchandize, or other articles; and every person who shall sell any foreign lottery ticket, or any lottery ticket in a lottery authorized by the laws of this commonwealth, or any share of such ticket, or any policy, guarantee, or assurance of the prize, or part of the prize, to be drawn by any such lottery ticket; and every broker who shall open and keep any office, for the purpose of buying, selling, or exchanging the notes or shares of any bank, public stocks of any kind, bills of exchange, drafts or negotiable notes, or who shall directly or indirectly buy, sell, or exchange, for a commission or other compensation for making such purchase, sale or exchange, the notes or shares of any bank, public stocks of any kind, bills of exchange, drafts or negotiable notes, without having paid the tax imposed by law on such privilege, and obtained such license, shall, for every such offence, forfeit and pay a sum equal to double the amount of the tax, for the time being, so imposed, to be recovered in the same manner, in all respects, as the penalties prescribed for failure to obtain merchants' licenses are recoverable.

Vendue masters, brokers and venders of lottery tickets to obtain licenses.

Penalty for failure.

How recoverable.

11. *Provided*, That nothing herein contained shall be so construed as to impose any penalty on any person for selling at auction, without license, any goods or other property taken in execution, or upon attachment, or distrained for taxes or rent, or under the order or decree of any court; nor on any executor or administrator for so selling the estate of his or her testator or intestate; nor on any trustee for so selling the trust fund; nor shall any thing in this act contained be construed to authorize any person to vend any lottery ticket, in any corporate town, contrary to the by-laws of such town.

What may be sold at auction without license.

Lottery tickets not to be sold in towns contrary to their by-laws.

12. Every person wishing to obtain a license to sell lottery tickets in lotteries authorized by the laws of this commonwealth only, shall first make oath or affirmation before the commissioner of the revenue, who is hereby empowered to administer the same, that he or she will not, during the period for which such license may be granted, be directly or indirectly concerned in the sale of any ticket, or share thereof, or any policy, guarantee, or assurance of the prize, or part of the prize, to be drawn in any lottery not so authorized, without obtaining a license for that purpose. And every person who shall pay the tax and obtain a license for the sale of foreign lottery tickets, shall, during the period for which such license may be granted, be exempted from all the penalties prescribed by former laws, for the sale of such tickets, and such person shall also be at liberty, during the same period, without farther tax or license, to sell lottery tickets in lotteries authorized by the laws of this commonwealth.

Venders of tickets in state lotteries alone, how to obtain license.

Venders of tickets in foreign lotteries.

13. *Be it further enacted*, That every person intending to set up or keep an ordinary or house of public entertainment, shall first petition the court of that county or corporation wherein such ordinary is intended to be, and obtain a license for keeping the same; and the justices of the court to whom such petition shall be exhibited, shall thereupon consider the convenience of the place proposed, the character of the petitioner for good order, sobriety and honesty, and his ability to provide and keep good and sufficient houses, lodging and entertainment for travellers, their servants and horses; and if such petition shall appear reasonable, and the court shall be satisfied, and enter of record, that the petitioner is a man of good character, not addicted to drunkenness, or gaming, and shall be of opinion that he will keep an orderly and useful house of entertainment, they shall be, and are hereby authorized to grant to such petitioner a license to keep an ordinary. Such license, being so granted, shall be signed by the justice presiding at the time of granting it, or by some other justice of the peace, and shall expire at the next succeeding May term of the county or corporation court. But upon like petition and like entry of record, the license may be renewed, from year to year, as long as the court shall be of opinion that the petitioner hath preserved his good character, and continues to keep an orderly and useful house of entertainment. No license, granted or renewed, shall be in any wise valid, unless the court, at the time of the granting thereof, shall enter upon the record the good character of the petitioner, in the manner above prescribed: nor shall the court, at any time, for the purpose of keeping any poor person from being chargeable to the parish, license any such person to sell liquors.

License to keep ordinaries, how obtained.

License, how authenticated, and when to expire.

How renewable.

Certificate of character to be entered on record before license valid.

License not to be granted to paupers.

14. Before any license shall be granted to keep an ordinary, the petitioner shall enter into bond, with sufficient security, to the effect following: "*Know all men by these presents, that we A. B. and C. D., are held and firmly bound to , governor of the commonwealth of Virginia, in the sum of one hundred and fifty dollars, to which payment, well and truly to be made, to the said , or his successors, we bind ourselves, and every of us, our and every of our heirs, executors and administrators, jointly and severally, by these presents. Witness our hands and seals, this day of , in the year one thousand eight hundred and . The condition of*

Ordinary keepers to enter into bond.

Form of bond.

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the above obligation is such, that whereas the above bound A. B. hath obtained a license to keep an ordinary at , in the county (or corporation, as the case may be,) *of ; if, therefore, the said A. B. doth constantly find and provide, in his said ordinary, good, wholesome and cleanly lodging and diet for travellers, and stableage, fodder and provender, or pasturage and provender, as the season shall require, for their horses, until the next May term of the county* (or corporation) *court of , and shall not suffer or permit any unlawful gaming in his house, nor suffer any person to tipple and drink more than is necessary, then this obligation to be void, otherwise to remain in full force."*

Receipt of collector of revenue for tax to be produced previous to issuing of license. When clerks to receive tax and grant receipts. When tax refunded.

15. Before any license shall be granted to keep an ordinary, the petitioner shall produce to the court the receipt of the sheriff, or other collector of the revenue, of the county or corporation, for the amount of the tax imposed by law upon such privilege; and if there be no sheriff or collector, the clerk of the county or corporation shall receive the tax, and his receipt shall, in that case, entitle the party to a license in the same manner as the receipt of the sheriff or collector. If the court in any case refuse to grant the license, the tax shall be refunded to the person who paid the same.

License to be produced to commissioner and his certificate obtained before opening ordinary.

16. Before any ordinary shall be opened, in pursuance of a license granted as aforesaid, it shall be the duty of all and every person and persons, obtaining any such license, to produce the same to the commissioner of the revenue within the district, or within the county or corporation, if there be no districts, where he, she or they respectively reside or propose opening an ordinary, and to procure thereon the certificate of such commissioner in the following manner: "

Form of certificate.

county (or corporation), *to wit: A. B. having produced to me a license granted by the court of the county* (or corporation) *aforesaid, on the payment of to the sheriff* (or collector) *of the said county* (or corporation) *court* (as the case may be,) *these are therefore to certify, that the said A. B. is authorized to keep an ordinary until the next May term of said county* (or corporation) *court. Given under my hand the day of ."*

Penalty for keeping ordinary without license and certificate.

17. If any person, without such ordinary license and certificate, shall open an ordinary, or shall sell, by retail, wine, rum, or brandy, or other ardent spirits, or a mixture thereof, to be drank in or at the place where it shall be sold, or in any booth, arbour or stall, such offence shall be deemed a breach of good behaviour, and he or she so offending, shall moreover forfeit and pay for every such offence the sum of thirty dollars to the commonwealth, for the use of the literary fund, to

How recoverable.

be recovered by information or indictment in any court of record of the county or corporation wherein the offence may have been committed, or in which the offender may be found.

Penalty for not keeping proper ordinary.

Or for obtaining license as a pretext for selling liquors.

18. If any person shall take an ordinary license, and shall not, according to the true intent and meaning of the condition of the bond required by this act, keep an ordinary provided with accommodations for travellers, their horses and servants, but shall nevertheless, use such license as a pretext for the sale of liquors by retail, against the true spirit and intention of this act, such person shall not only thereby forfeit the penalty of his or her bond, to be recovered in any court of record by any person who will sue therefor in the name of the governor, but shall be liable to be punished by fine, for every such sale, in the same manner as if he or she had no license: *Provided*, That nothing in this section contained shall prevent any licensed ordinary keeper from vending meat or drink, in the same manner, and under the same restrictions as at his or her ordinary, at any place distant one mile or more from any licensed house of public or of private entertainment; there being at such place, any muster, or public sale, and such ordinary keeper having first obtained leave to do so from the proprietor of such place.

When keepers of ordinaries may vend provisions and drink, at other places than their own houses.

License to keep houses of private entertainment, how obtained.

No record of character necessary, nor bond and security required. Penalty for keeping such houses without license.

19. Every person desirous to keep a house of private entertainment, shall obtain from the court of the county or corporation in which he or she desires to keep such house, a license therefor, in the same manner, with the like certificate from the commissioner of the revenue, as is provided for obtaining a license and certificate to keep an ordinary; save only, that no entry of record need be made of his or her character, that no bond and security shall be required, and that he or she shall pay for such license only the tax imposed by law on houses of private entertainment; and if any person, within any city, town or borough, or within eight hundred yards of any public road or highway, not having such license and certificate, or license and certificate to keep an ordinary, shall receive any pay or compensation for dieting any person in his or her house, or for feeding any horse in his or her stable, or on his or her lot or land, the person so offending, shall forfeit and pay for every such offence, the sum of thirty dollars, to be recovered in the same

Penalty not to apply to persons in towns boarding others longer than one month

manner as the penalty for opening an ordinary, without a license, is recoverable: *Provided*, That this penalty shall not attach to any person within any city, town or borough, receiving pay or compensation for the dieting of any one boarding in his or her house, for any space of time exceeding one month, or for the feeding of any horse for any space of time exceeding one month;

Nor to persons in the country boarding others longer than one week

nor shall such penalty attach to any person not within any city, town or borough, receiving pay or compensation for the dieting of any one boarding in his or her house for a longer period than one week, or for the feeding of any horse for a longer period than one week.

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20. *Be it further enacted*, That no hawker or pedlar shall offer for sale or barter, in any county or corporation, either on land, or on any of the rivers or waters of this commonwealth, any tin or pewter ware, or any clock or clocks, or any goods, wares, merchandize, or other articles not of his or her own manufacture within this commonwealth, nor provisions, or agricultural commodities of the growth or production of this state, or any of the United States, unless such person shall have previously paid the tax imposed by law, and obtained, in such county or corporation, a license therefor, according to the provisions of this act; and any person desiring a license, as a hawker or pedlar, to sell or barter such articles, in any county or corporation, shall produce to the clerk of the county or corporation, the receipt of the sheriff, or other collector of the revenue of such county or corporation, for the amount of the tax imposed by law for such privilege; and such clerk shall thereupon grant to such person a license to sell or barter, within such county or corporation, either tin and pewter ware only, or clocks only, or goods, wares, merchandize and other articles, excepting clocks, according to the tax paid, as the case may be; or if there be no sheriff or other collector, the clerk of the county or corporation shall receive such tax and grant a license to the applicant, in the same manner as if the tax had been paid to a sheriff or collector, and his receipt produced; and in every license so granted to a hawker or pedlar, the nature of the trade to be carried on under it, shall be specified under one of the foregoing heads.

Hawkers and pedlars to obtain licenses.

Such licenses, how obtained.

License to specify kind of business.

21. If any person as a hawker or pedlar, shall offer for sale or barter, in any county or corporation, any tin or pewter ware, or any clock or clocks, or any goods, wares, merchandize, or other articles, not of his or her own manufacture within this commonwealth, nor provisions or agricultural commodities of the growth or production of this state, or any of the United States, without having obtained, in such county or corporation, in manner aforesaid, a separate license to sell or barter tin and pewter ware only, or to sell or barter clocks only, or to sell or barter goods, wares, merchandize and other articles, excepting clocks, as the case may be, such person shall forfeit and pay for every such offence, in each county or corporation, a sum equal to double the amount of the tax, for the time being, imposed by law for such privilege, as the case may be, one half thereof to the informer, and the other half to the commonwealth, for the use of the literary fund, to be recovered after ten days previous notice to the offender, by motion in any court of record of the county or corporation wherein such offence shall have been committed, or in which the offender may be found, or in the manner hereinafter prescribed. Upon information, on oath, given to any justice of the peace, affording cause to suspect that any hawker or pedlar hath been guilty of a violation of this act, and incurred the penalty thereof, such justice shall issue his warrant causing the person suspected to be apprehended and brought before him, or some other justice of the peace within his county or corporation, who shall proceed to enquire into the fact; and if such justice shall be of opinion that there is good ground to suspect that such person is guilty of a violation of this act, he shall commit him or her to the jail of his county or corporation, to abide further proceedings therein, and shall also certify forthwith to the clerk of the county or corporation, the fact of such commitment, with the names of the informer and witnesses, whom he shall direct to attend, (and who are hereby required to attend, under the same penalties as if summoned,) at the next term of the county or corporation court, to give evidence in the case, and the attorney for the commonwealth shall proceed, without delay, in such court, by motion, for the recovery of the penalty imposed by this act, one half thereof to the informer, and the other half to the commonwealth as aforesaid: *Provided*, That any person in custody as aforesaid, may be admitted to bail by any justice of the peace of the county or corporation, upon his or her giving good and sufficient bail for his or her appearance at the next term of such county or corporation court, to abide by the judgment thereof in relation to the offence charged; and the recognizance of such bail shall be filed with the clerk of the court of such county or corporation.(*b*)

Penalty upon hawkers and pedlars trading without license.

How recoverable.

When and how hawkers and pedlars may be apprehended for violation of act.

When committed for trial, fact to be certified to clerk of the court.

How informer and witnesses to be summoned.

Duty of attorney for commonwealth.

Person in custody may be bailed.

Recognizance of bail where filed.

22. All clocks, which shall be offered for sale by a hawker or pedlar, shall be deemed to have been manufactured without the limits of this commonwealth, and be liable to taxation, unless the commissioner of the revenue, or other revenue officer, within whose district such clocks shall be so offered for sale, shall be fully satisfied that the same were *bona fide* of the manufacture of this state. [Acts of 1835-6, chap. 1, § 4.]

Where clocks to be deemed to be manufactured.

23. *Be it further enacted*, That if any person shall exhibit any public show in any county or corporation, without having previously paid the tax imposed by law for such privilege, and obtained a license therefor in such county or corporation, according to the provisions of this act, such person shall, for every such offence, in each county or corporation, forfeit and pay a sum equal to double the amount of the tax imposed, for the time being, by law, for such privilege, one half thereof to the informer, and the other half to the commonwealth, for the use of the literary fund,

Act of March 1834, § 22. Penalty for exhibiting shows without license.

(*b*) The sections from No. 1 to 21, inclusive, are numbered in the same order in the act of March 1834.

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How recoverable. Exhibitors of shows, how arrested and committed. Licenses, how obtained.

to be recovered in the same manner, with the like proceedings as to arrest and commitment, and in all other respects whatsoever, as are herein before provided for the recovery of penalties against hawkers and pedlars failing to obtain license as required by law; and all licenses to exhibitors of public shows, shall and may be obtained in the same manner as licenses to hawkers and pedlars are obtained: *Provided*, That no license granted under this act shall be construed to authorize any person to exhibit any show in any corporate town, contrary to the by-laws of such town: *Provided also*, That nothing herein contained shall be so construed as to prevent any mechanic or other artist from exhibiting, without having paid a tax or obtained a license, any work or production of his or her own art or invention; but if any doubt shall arise as to the making of such work or production, the burden of proof shall be on the defendant.

No license to authorize exhibitions in towns, contrary to their by-laws. Artists and mechanics exempted from obtaining license to exhibit their works or invention.

Act of March 1834, § 23. Who not allowed to trade at more than one place under same license. Not more than one hawker or exhibitor of show to use the same license. Negroes prohibited from using license. Hawkers &c. not to trade but in articles specified in license.

24. Ordinary keepers, keepers of houses of private entertainment, vendue masters, brokers and venders of lottery tickets, shall not be authorized to carry on their business at more than one place under the same license; nor shall more than one hawker or pedlar, or exhibitor of public shows, pursue their trade or occupation under one license; nor shall any person, having obtained a license under this act, be permitted to authorize any negro or mulatto, bond or free, to exhibit under such license any public show, or to vend any goods, wares, merchandize, or other articles, as a hawker or pedlar, or otherwise; nor shall any hawker or pedlar, (by virtue of a license to trade in articles of a specified kind,) trade in articles of any other kind, except that under a license to sell or barter goods, wares, merchandize and other articles, excepting clocks, such hawker or pedlar may trade also in tin and pewter.

Act of March 1834, § 24. How commissioners of revenue may obtain licenses as merchants, vendue masters and brokers.

25. Any commissioner of the revenue desirous of carrying on the business of a merchant, vendue master or broker, shall pay the tax imposed by law and obtain a license for such privilege, under the same penalties as are prescribed in other cases; and upon such commissioner producing to the court of his county or corporation the receipt of the sheriff or collector of the revenue of such county or corporation, or the receipt of the clerk of such court, if there be no sheriff or collector, such court shall thereupon grant him a license, subject to all the provisions which apply to other licenses of a like kind.

Act of March 1834, § 25. What licenses to expire at May terms. When license apportioned according to time for which granted. Who permitted to transfer licenses.

26. All licenses granted to merchants, vendue masters, brokers, venders of lottery tickets, keepers of ordinaries, and keepers of houses of private entertainment, shall expire at the succeeding May term of the court of the county or corporation in which they may have been granted respectively; and if granted at any other time than at the May term of such court, the tax to be paid upon any such license shall bear such proportion to the whole annual tax, as the space of time between the granting of the same and the next May term bears to a whole year; and it shall be lawful for any ordinary keeper, keeper of a house of private entertainment, merchant, vendue master, broker, or vender of lottery tickets, to transfer the unexpired term of his or her license, by the leave, and under the supervision and control of the court of the county or corporation in which the same may have been granted.

Act of March 1834, § 26. Licenses to hawkers, pedlars, and exhibitors of public shows, when to expire. For what time granted. No apportionment of tax allowed. Nor transfer of license.

27. All licenses granted to hawkers and pedlars, or to exhibitors of public shows, shall expire at the end of twelve months from and after the date thereof; nor shall any such license be granted for a shorter period than twelve months; nor shall there be any abatement or apportionment of the tax, if the privilege granted be exercised for a shorter time; nor shall any unexpired term of such license be in any manner transferred from the person to whom it was granted to any other person.

Act of March 1834, § 27. Fees allowed commissioners of revenue. How paid.

28. For every license to a merchant, vendue master, broker, or vender of lottery tickets, or certificate of a license to an ordinary keeper, or keeper of a house of private entertainment, granted by a commissioner of the revenue under this act, he shall be entitled to a fee of fifty cents, which shall be paid to him out of the public treasury, on the warrant of the auditor of public accounts, after his list of licenses and certificates of licenses shall have been returned to the auditor, as hereinafter directed.

Act of March 1834, § 28. Clerks' fees.

29. For every license to a hawker or pedlar, or exhibitor of a public show, granted by a clerk under this act, he shall be entitled to demand and receive of the person to whom he grants the same, a fee of one dollar, to be paid to him before such license is delivered.

Act of March 1834, § 22. Commissioners to return with lists, yearly rent or annual value of ordinaries, &c. Tax regulated by such assessment. Licenses not grantable till return made. Penalty on commissioner for failing to make return

30. It shall be the duty of the several commissioners of the revenue annually to assess, and return with their lists of taxable property, the yearly rent or annual value of all ordinaries and houses of private entertainment, within their respective counties, corporations or districts. The amount of the tax to be paid for licenses to ordinary keepers, and keepers of houses of private entertainment, shall be ascertained from such assessments, and no such license shall be granted by any court, until such assessment and return shall have been made; any commissioner failing to make such annual assessments and returns, or failing to assess and make return of any ordinary or house of private entertainment, which may be opened subsequent to the usual period of assessment, shall, for every failure, forfeit and pay the sum of fifty dollars, one half thereof to

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the informer, and the other half to the commonwealth, for the use of the literary fund, to be recovered by motion, after ten days notice, in any court of record of the county or corporation.

Act of March 1834, § 30. How value of ordinaries, &c. actually rented, to be ascertained. Proprietors and tenants may be sworn. Penalty for refusing. How, when in occupation of proprietor. What to be estimated.

31. The yearly rent or annual value of any ordinary or house of private entertainment, which is actually rented or leased, shall be ascertained by the rent paid by the tenant, and the commissioner of the revenue may call on the tenant or proprietor to declare, on oath or solemn affirmation, what is the amount of rent paid for the same; and every person so called on and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion of the commissioner of the revenue, in any court of record, after ten days notice, for the commonwealth, to the use of the literary fund; and when any ordinary or house of private entertainment is in the occupation of the proprietor, the yearly rent or annual value shall be ascertained by a comparison of its value with other similar houses or lots actually rented; and the commissioner of the revenue, in making his estimate, shall take into consideration the ordinary house, or house of private entertainment, with all the out houses appurtenant, gardens, stables, lots, baths, pools and watering places, with all other things that impart value to the ordinary or house of private entertainment, except the farm or farm houses that may be contiguous: *Provided*, That when any owner or proprietor of any ordinary or house of private entertainment shall think himself or herself aggrieved by the valuation of the commissioner, he or she may appeal to the court by whom he was appointed, whose judgment as to the yearly rent or annual value shall be final.

Appeal allowed owner or proprietor from valuation of commissioner.

Act of March 1834, § 31. Clerks to stick up lists of licenses to hawkers and pedlars at courthouse. Penalty for failure.

32. The clerk of each county or corporation court shall cause, on each court day throughout the year, a list of such licenses to hawkers and pedlars, and exhibitors of public shows, as have been granted by him under this act, to be stuck up in some public place in the courthouse, expressing the date of each license, the name of the person to whom granted, and in the case of hawkers and pedlars, whether it is for the privilege of vending tin and pewter ware only, or clocks only, or goods, wares, merchandize and other articles, excepting clocks; and for every failure or omission herein, such clerk shall forfeit and pay the sum of twenty dollars, one half thereof to the informer, and the other half to the commonwealth, for the use of the literary fund, to be recovered by motion in any court of record of the county or corporation, after ten days previous notice.

Act of March 1834, § 32. Commissioners to return lists of persons failing to take out licenses, or certificates of licenses, to keep ordinaries, &c. Lists also of witnesses. Proceedings thereupon. Proviso.

33. It shall be the duty of the commissioners of the revenue to render to their respective county or corporation courts, at any of the quarterly terms thereof, lists of all such ordinary keepers, and keepers of houses of private entertainment, within their respective districts, as they shall have good cause to believe have failed to obtain licenses, or certificates of licenses, according to law, or have violated any of the provisions of this act, and also lists of such witnesses as in their opinion may be able to give information of any such failure or violation. The court shall thereupon order process to bring such witnesses in, who shall be sworn, and forthwith sent to the grand jury to give evidence in the matter; and upon any presentment being made by such grand jury, it shall be the duty of the attorney for the commonwealth to file an information or indictment against the person presented, and upon conviction, the court shall render judgment for the penalty or penalties imposed by law upon such offender: *Provided*, That nothing in this section contained shall be so construed as to prevent any person from proceeding, by information or indictment, to recover any penalty for such failure or violation.

Act of March 1834, § 33. Mode of proceeding against merchants, vendue masters, brokers and venders of lottery tickets, for violating law.

34. It shall also be the duty of every commissioner of the revenue, when he shall have good cause to believe that any merchant, vendue master, broker or vender of lottery tickets within his district, has failed to obtain a license according to law, or has violated any of the provisions of this act, to move, at any term of his county or corporation court, for judgment for a sum equal to double the amount of the tax imposed for the time being, by law, for such privilege, after having given ten days previous notice to the delinquent, and summoning in writing such witnesses as may be able to give information in the case, and who are hereby required to attend, under the same penalties as if summoned by order of court: *Provided*, That nothing herein contained shall be so construed as to prevent any prosecution by information or indictment, or to prevent any person from proceeding, by motion as aforesaid, for the recovery of any penalty for such failure or violation.

Act of March 1834, § 34. Clerks to certify to auditor whether commissioners comply with law or not. For failure, claim of clerk to be disallowed. For failure of commissioner, pay disallowed.

35. The clerks of the several county and corporation courts, at the time the land and property books of the commissioners of the revenue shall be returned to the auditor, annually, shall certify that such commissioners have, or have not complied with the provisions of this act, as in the two preceding sections contained; and until such certificate shall be made, the claim of any clerk, failing to make the same, for examining and certifying commissioners' books, shall not be allowed by the auditor; and unless it shall appear from such certificate that the commissioner has complied with the above specified provisions of this act, it shall not be lawful for the auditor to allow the claim of such commissioner for his annual pay and allowances.

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Act of March 1834, § 35. Persons prosecuted not allowed to allege payment of tax, without having obtained license.

36. In any prosecution against an ordinary keeper or keeper of a house of private entertainment, and in any motion or prosecution against any merchant, vendue master, broker, vender of lottery tickets, hawker or pedlar, or exhibitor of a public show, under this act, it shall not be lawful for such person, so prosecuted or moved against, to allege that he or she has paid the tax imposed by law on a license to carry on his or her trade or occupation, unless such person shall have actually obtained from the proper authority, such license, or certificate of such license, as the case may be, in writing; and if it shall appear that such person has been guilty of any violation of this act, or has failed to comply with any of the provisions thereof, such person shall be liable to the same penalties, as if he or she had wholly failed to obtain a license, and the court upon conviction of such offender, or upon being satisfied of the fact of such violation, shall render judgment accordingly.

Persons guilty of violations of law liable to penalties as if they wholly fail to obtain license.

Act of March 1834, § 36. Commonwealth's right of appeal.

37. In all motions or prosecutions for the violations of any act relating to the revenue, the commonwealth shall have the right to appeal, or obtain a writ of error, and for that purpose to require a bill of exceptions to be signed and made a part of the record, in the same manner as the defendant may do in such case; and such appeal or writ of error shall be proceeded in and decided by the court above, at the next term thereof, unless for good cause shewn to the contrary; and in all such motions or prosecutions in the inferior courts, when a conviction shall be had, an attorney's fee of five dollars shall be allowed and taxed in the bill of costs.

Such appeal, when to be tried. Attorney's fee to be taxed in costs.

Act of March 1834, § 37. When commissioners of certain towns to return to auditor lists of licenses to merchants, vendue masters, brokers, and venders of lottery tickets What lists to contain.

38. The commissioners of the revenue for the city of Richmond, borough of Norfolk, and towns of Petersburg, Lynchburg and Fredericksburg, shall, severally, on or before the fifth day of June in each year, return to the auditor, duly certified, lists of all licenses granted by them, respectively, to merchants, vendue masters, brokers and venders of lottery tickets, during the period intervening between the thirty-first day of August of the previous year, and the first day of June, specifying in such lists the dates of such licenses, the names of the persons to whom granted, the amount of tax paid in each case, and to whom paid; and the said commissioners shall, in like manner, annually, on or before the first day of October, return to the auditor, with like specifications, additional lists of all such licenses as aforesaid, granted by them, respectively, during the period intervening between the first day of June and the thirty-first day of August, both days inclusive. All commissioners of the revenue, other than the commissioners of the city, borough and towns aforesaid, shall, in like manner, annually, on or before the first day of October, return to the auditor, with like specifications, lists of all such licenses as aforesaid, granted by them, respectively, during the previous year, ending on the thirty-first day of August.

When other commissioners to make like returns.

Act of March 1834, § 38. Return of lists of licenses to ordinary keepers, &c. when, how, and by whom.

39. It shall also be the duty of each commissioner of the revenue of every county or corporation, and of the clerk of such county or corporation, to make out and certify in conjunction, a meeting being had for the purpose, and to return, annually, to the auditor, on or before the first day of October, a list embracing all the certificates of licenses granted by such commissioner to ordinary keepers and keepers of houses of private entertainment, during the previous year, ending on the thirty-first day of August, and all the licenses granted by such clerk to hawkers and pedlars, and exhibitors of public shows, during the like period, specifying in such list the dates of such licenses, or certificates of licenses, the names of the persons to whom granted, the amount of tax paid in each case, and to whom paid.

Return of lists of licenses to hawkers and pedlars and exhibitors of shows.

Act of March 1834, § 39. Lists regularly returned, evidence against officers.

40. Any list of licenses, or certificates of licenses, certified and returned as aforesaid to the auditor, by a commissioner of the revenue, or by such commissioner and the clerk of the county or corporation in conjunction, as the case may be, stating the amount of tax paid for such licenses, and to whom paid, shall, in all motions, or other proceedings against any delinquent sheriff, or collector of the revenue, or clerk, be deemed and taken as legal evidence, whereupon to charge such sheriff, or collector of the revenue, or clerk, with the amount of such tax, appearing by such list to have been received on account of such licenses, or certificates of licenses, by such sheriff, collector of the revenue, or clerk, as the case may be. If any commissioner of the revenue shall fail to return such lists at the time and in the manner required by this act, without a reasonable excuse therefor, it shall be the duty of the auditor to disallow such commissioner his fees for granting licenses, or certificates of licenses; and if any clerk shall neglect his duty herein, he shall forfeit and pay for each failure the sum of three hundred dollars, to be recovered by the auditor, for the use of the literary fund, on motion in the general court, after ten days notice thereof to the delinquent.

Penalty on commissioner for failing to return lists.

Penalty on clerk for such failure.

Act of March 1834, § 40. When sheriffs or collectors of certain towns to pay taxes into treasury received on licenses.

41. The sheriffs or collectors of the revenue for the city of Richmond, borough of Norfolk, and towns of Petersburg, Lynchburg and Fredericksburg, shall, annually, on or before the tenth day of June, account for and pay into the public treasury all moneys received by them respectively, during the period intervening between the thirty-first day of August of the previous year, and the first day of June, for the taxes on licenses to merchants, vendue masters, brokers and venders of

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lottery tickets; and all moneys received by such sheriffs or collectors respectively, during the period intervening between the first day of June and the thirty-first day of August, both days inclusive, for the taxes on such licenses as aforesaid; and all moneys received by such sheriffs or collectors respectively, during the previous year, ending on the thirty-first day of August, for the taxes on licenses to ordinary keepers, keepers of houses of private entertainment, hawkers and pedlars, and exhibitors of public shows; and all moneys received by sheriffs or collectors of the revenue, other than the sheriffs or collectors of the city, borough and towns aforesaid, during the previous year, ending on the thirty-first day of August, for the taxes on licenses to merchants, vendue masters, brokers, venders of lottery tickets, ordinary keepers, keepers of houses of private entertainment, hawkers and pedlars, and exhibitors of public shows, shall be accounted for and paid into the public treasury by such sheriffs or collectors respectively, at the same time that other taxes by them collected are required by law to be accounted for and paid in.

When other sheriffs or collectors to pay into treasury taxes on licenses.

42. Sheriffs or collectors of the revenue shall be allowed a commission of five per centum, and no more, for the collection and payment into the treasury, at the time required by law, of the taxes on licenses received by them respectively, under this act, and shall be subject to the same penalties, and to a like recovery against them for the non-payment thereof, as are prescribed by law in relation to other taxes to be collected and accounted for by them.

Act of March 1834, § 41. Commission allowed sheriffs for collecting taxes on licenses.

43. The clerks of the several county and corporation courts shall account, on oath, for all taxes on licenses received by them under this act, and pay the same into the public treasury at the same time, under the same penalties and liability to recovery for non-payment, and be allowed, for collecting and accounting, the same commissions as are prescribed by law in relation to the tax on law process and other taxes to be collected and accounted for by them.

Act of March 1834, § 42. When clerks to pay taxes received by them, under what penalties, and with what commissions.

44. The tax imposed by law on process issuing from the courts of this commonwealth; on declarations in ejectment and appeals; on certificates under the seal of any court; on transfers of a surveyor's certificate for land in the register's office; on attestations, protestations, and other instruments of publication by a notary public under his seal of office; and on certificates under the seal of this commonwealth, shall be paid to the clerks of the respective courts, register of the land office, notaries public and keeper of the public seals, before such process is issued, declaration received, transcript of record or certificate under the seal of any court, or of the commonwealth, shall be delivered, or the patent on such surveyor's certificate is issued, and at the time such notarial seal is affixed: *Provided*, That such tax on law process, declarations in ejectment and appeals, shall be taxed by the respective clerks in the bill of costs.

Act of March 1834, § 43. When taxes on law process, on seals and transfers of surveyors' certificates to be paid, and to whom.

45. The clerks of the several county and corporation courts, superior courts of law and chancery, general court and court of appeals, notaries public, and the keeper of the public seals, shall, each and all respectively, on or before the fifteenth day of December in every year, account for, on oath, with the auditor of public accounts, and pay into the treasury the several amounts of taxes by them respectively received, previous to the first day of September in each year, in pursuance of the present or any future act or acts of assembly, imposing taxes for the support of government, deducting thereout five per centum for receiving and paying the same; and on failure therein, it shall be lawful for the general court to render judgment against the said clerks, notaries public, keeper of the public seals, or any of them so failing, for a penalty, that is to say, a clerk, for such failure, shall forfeit and pay six hundred dollars, and be subject to an additional fine of six hundred dollars for every year during his failure to account and pay; and a notary public, for such failure, shall forfeit and pay five hundred dollars, and be subject to an additional fine of five hundred dollars for every year during his failure to account and pay; and the keeper of the public seals, for such failure, shall forfeit and pay one hundred and fifty dollars, and be subject to an additional fine of one hundred and fifty dollars for every year during his failure to account and pay; which penalties and additional fines shall be recoverable with costs by the auditor, on motion in the general court, for the use of the commonwealth, after ten days notice thereof, to the delinquent.

Act of March 1834, § 44. When clerks, notaries and keepers of seals to account with auditor.

Their commissions.

How proceeded against.

Penalty on clerk.

On notaries.

On the keeper of the public seals.

46. A commissioner of the revenue shall compare the account of each clerk with the books in his office, and certify that it thence appears that all taxes by him received are accounted for; and no clerk shall be entitled to receive any money from the treasury, or to recover any fees of the sheriff, by motion or otherwise, unless he shall have previously obtained a quietus for the said taxes according to this act.

Act of March 1834, § 45. Clerks' accounts, how to be examined and certified.

47. The clerks of the several superior and inferior courts of this commonwealth shall, immediately after entering upon the duties of their offices, respectively, execute bond with sufficient security, before their respective courts, conditioned for the faithful accounting for, and payment into the public treasury, in the manner prescribed by law, of the taxes on law process, licenses, and all other public moneys which shall come into their hands respectively, during their continu-

Act of March 1834, § 46. Clerks to execute bonds for faithfully accounting for taxes received by them.

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ance in office, on attestations, protestations, and other instruments of publication under their seal of office; which bonds shall be recorded in such court, and certified copies thereof shall be transmitted by the clerks to the auditor, on or before the fifteenth day of December ensuing the execution thereof; which copies shall be deemed and taken as legal evidence in any suit, motion or other proceeding by the auditor, upon such bonds, for the recovery of the amount of taxes or other public moneys due from such clerks or notaries public to the commonwealth; and clerks, for failing to certify to the auditor, as herein required, copies of bonds executed in their respective courts by themselves, and also copies of bonds executed in the county or corporation courts by notaries public, shall, for every such failure, forfeit and pay to the commonwealth, for the use of the literary fund, the sum of four hundred dollars, to be recovered by the auditor, on motion in the general court, after ten days notice: *Provided*, That nothing herein contained shall be so construed as to impair the right of the commonwealth to proceed against any such clerk or notary public, by motion, for a fine or penalty, as herein before provided, for every failure to account for and pay into the public treasury, at the time prescribed by law, all taxes received by such clerk or notary public.

Bonds, where recorded. Copies of bonds to be certified to auditor. To be evidence in prosecutions or motions against clerk. Penalty on clerks failing to certify copies of bonds.

48. The register of the land office shall, annually, within twenty days from and after the day of his election, execute his bond to the governor of this commonwealth, in the penalty of ten thousand dollars, with sufficient security, to be approved by the governor; which bond shall express the term of service for which such register is elected, and shall be conditioned for his true and faithful performance of his office during such term, and for his regularly accounting for, and paying into the public treasury, at the times, and in the manner prescribed by law, all fees and taxes received by him in virtue of said office.

Act of March 1834, § 47. Register to execute bond, and when.

49. The register of the land office shall account for with the auditor, and pay regularly into the public treasury, at the end of every six months, all fees and taxes by him received, from time to time, making oath that the whole fees and taxes so accounted for, are the whole profits accruing from the said office, so far as he knows or believes, up to the date of such account; and moreover, his accounts of fees and taxes received shall be fairly stated and compared by the auditor with the books of his office, before the account shall be passed. If the register of the land office at any time fail to account, according to the directions of this act, for the space of six months, he shall, in addition to any recovery had by suit, motion, or other proceeding against him and his securities, on his official bond, forfeit and pay the sum of ten thousand dollars, for the benefit of the literary fund, to be recovered in the name of the governor of this commonwealth for the time being, in any court of record, by the auditor, on motion, after thirty days previous notice; and the *onus probandi* shall be on the defendant.

Act of March 1834, § 48. Register, when to account with auditor. His accounts to be compared by auditor with his books. Proceeding against him for failing to account.

50. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed, saving all penalties, fines and forfeitures, which have been incurred previous to the passing of this act.

Act of March 1834, § 49. Repealing clause.

51. This act shall commence and be in force from and after the passing thereof.

Commencement.

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AMENDMENTS

Proposed by the Auditor to the "Act amending and reducing into one act the several acts and parts of acts concerning the Taxes on Licenses to Keepers of Ordinaries and Houses of Private Entertainment, to Merchants, to Vendue Masters, to Brokers, to Venders of Lottery Tickets, to Hawkers and Pedlars, to Exhibitors of Public Shows, on Law Process, on Notarial Seals, and certain other subjects." See Bill No. 2.

Section 10. Strike out the words, beginning in the 5th line, "or any lottery ticket in a lottery authorized by the laws of this commonwealth."

Section 12. Strike out from the commencement of the section to the word "and," inclusive, at the beginning of the 7th line; and also, from the word "and," inclusive, in the 9th line, to the end of the section.

[The foregoing amendments to the 10th and 12th sections, are suggested because the words and provisions proposed to be struck out are in conflict with the act "to suppress lotteries within this commonwealth," passed the 25th February, 1834, which said act entirely prohibits the drawing of any lottery within the state, or the sale of tickets in any such lottery, after the 1st January, 1840. The act, however, does not prohibit the sale of *foreign* lottery tickets within the state.]

Section 38. After "Richmond," in the first line, add "the city of Wheeling," and after "Lynchburg," in the second line, add "Portsmouth, Winchester."

Section 41. After "Richmond," in the first line, add "the city of Wheeling," and after "Lynchburg," in the second line, add "Portsmouth, Winchester."

Section 42. Add, at the end of the section, "and for all taxes on licenses due and unaccounted for on the 10th day of June, in each year, the auditor is, and he is hereby authorized to obtain judgment at the summer term of the general court next ensuing, against such defaulting sheriff or collector, and his securities, without notice."

[Without this provision, the design of the law to bring the taxes on licenses into the treasury at an early period, will be entirely frustrated.]

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[BILL No. 6.]

A BILL

Discharging Lillburn, otherwise called Lillburn Pleasants, from the Penitentiary.

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1. *Be it enacted by the general assembly*, That Lillburn, otherwise called Lillburn Pleasants, who is now confined in the penitentiary of this commonwealth under a prosecution had against him for burglary and larceny, shall be and he is hereby discharged and released from all further confinement therein.

2. *And be it further enacted*, That if any person who is a slave for a term of years only or for the life of another person, and who after the expiration of such term or life estate may be entitled to freedom, shall hereafter commit any felony or other offence, he or she so offending shall be tried in all respects and punished as a slave; and if the executive shall deem it proper to reprieve any such person who may be condemned to be hung, it shall be lawful to commute the punishment of transportation and sale for imprisonment for a term not less than five nor more than ten years in the public jail and penitentiary, in the same manner as if such person had been tried, convicted and sentenced as a free person; and every person whose punishment shall have been so commuted, shall within days after the expiration of his or her term of imprisonment, depart from the limits of this state; and if he or she shall remain therein for a longer period, he or she shall be dealt with in the same manner as free persons migrating into the commonwealth contrary to law. And every person so tried and condemned to be hung shall be valued by the court in which he or she may be condemned only for the price which such person would be worth during his or her term of service.

3. This act shall be in force from the passing thereof.

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AMENDMENTS

Proposed by Mr. MAY *to the Revenue Bill.*—[*No.* 14.]

Strike out section 35 and insert:

After the assessment of lands directed by the act of March eighteen hundred and thirty-eight shall have been completed and after the next land book shall have been made out conformably thereto, it shall not be necessary for the commissioner of the revenue to make out any new land book except in the towns of for the space of four years; but the clerks of the county courts are directed to make out on or before the first day of annually, a schedule or appendix to the land book shewing all changes or transfers of land which have been made by conveyances either fully or partly proved, or by partitions or wills recorded in their several courts or certified to them by the clerks of other courts, or by grants certified to them by the register of the land office, with correct descriptions of the lands so conveyed, assigned or devised, and the quantity and situation thereof; and the clerks shall give credit to the person disposing of such lands and charge the purchaser or receiver of the same with the amount of tax chargeable thereon. And when it shall appear that any such lands have not been previously assessed or that any vacant lands have been patented, he shall require the commissioner of the revenue, and it shall be the duty of the commissioner when so required, to value all such lands and return the valuation to the clerk, who shall thereupon charge the owner with the proper amount of tax upon the same. The said schedule or appendix shall be preserved in the office of the clerk, who shall deliver one copy thereof to the sheriff or collector as a guide in the collection of the taxes therein charged and credited, and one copy to the auditor to enable him to charge the sheriff or collector with the proper amount of tax. At the end of the third year the three schedules so made shall be delivered by the clerks to the commissioners of the revenue in their

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respective counties, together with a new list of all conveyances, devises and partitions of land made in the fourth year, so as to enable the commissioners of the revenue to make new land books; and the same shall be accordingly made out every fourth year, and the clerks shall in like manner perform in the intermediate years the duties herein required of them; and shall receive as a compensation for their services the sum of

Strike out the 36th section and insert:

The clerks of the superior and inferior courts shall on or before the first February annually, certify to the clerk of the county or corporation in which any land which has been the subject of a decree of partition, title, or sale, or of any devise, a list of such decrees and devises recorded in such courts (other than the inferior court of the county or corporation in which the lands may lie) within the preceding year; which lists shall state the quantity and situation of the land so far as the same can be ascertained by the clerks furnishing the said lists. And the clerks receiving the same shall enter all the lands so decreed, divided or devised in the schedules or appendices hereinbefore required to be made by them.

Section 44, line 1st—strike out the words "*in each year*" and insert, " next, and in every second year afterwards."

Section 52, line 5—after the word "*whatsoever*" insert, "including carryalls and jersey wagons which shall be classed with stage wagons and taxed as such."

Strike out the 53d section.

At the end of the 79th section insert the following new section:

That in every second year when no property book is required to be made out by the commissioners of the revenue, the sheriff or collector, except in the cases hereinafter provided for, shall collect the same taxes from the same persons as are contained and mentioned in the book of the preceding year; but it shall be lawful for any person who may have disposed of, or have been otherwise deprived of any of the property wherewith he was charged in the preceding year, or his agent, or in case of his death his representative to furnish to the commissioner previously to the first day of in such year, another list of his taxable property as held by him on the first March; and moreover stating whether any of the property which he may have so disposed of or been deprived

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of was held on that day by any other person in the same county or corporation; and upon making affidavit thereof it shall be the duty of the commissioner to enter the same in a new list by way of appendix to his last property book so as to charge such person with any new subject of taxation—to credit him with the proper amount for property no longer held by him; and if he shall be satisfied any other person in the same county or corporation is chargeable with the tax on any property so credited to charge such person accordingly. One copy of every such list or appendix shall be delivered by the commissioner to the sheriff or collector as a guide in the collection of taxes to debit or credit the proper person with the proper amount of tax; and one other copy shall be transmitted to the auditor of public accounts to enable him to debit or credit such sheriff or collector as the case may be with the proper amount. And the original shall be preserved with the property book of the preceding year for the purpose of aiding in the preparation of the next one.

Section 65, line 9—after the word "commissioners" insert, "in every year in which they shall make out both the land book and property book as herein required."

At the end of the section insert, "and in every year in which the property book only shall be made out, the said commissioners respectively shall be allowed only per cent. of the sums above specified, and in every year in which neither the land book nor property book shall be made out, they shall be allowed the sum of cents for such addition to or deduction from any person's tax account.

Section 1, line 2—strike out the word "*annually.*"

Section 1, line 3—after the word "*mentioned*" insert the words, "who shall hold their office for four years.

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[BILL No. 14.]

AMENDMENTS

Proposed by the Senate to the Bill, entitled "An act reducing into one the several acts prescribing the mode of ascertaining the Taxable Property within the Commonwealth, and for collecting the Public Revenue."

1.—1st section, 3rd and 4th lines, strike out the words "September or October," and in lieu
2 thereof insert the words "November or December." (*Disagreed.*)

2.—5th line, strike out from the word "revenue" to the end of the section. (*Agreed to.*)

3.—At the end of the 1st section, add "And if any commissioner so appointed shall fail to per-
2 form his duty in the manner prescribed by law, it shall be the duty of the auditor forthwith to
3 communicate the fact to the county or corporation court, and thereafter it shall be the duty of such
4 court to appoint another individual as commissioner."

4.—4th section, 3d line, after the word "Bedford," insert "Botetourt." (*Disagreed.*)

5.—4th section, 4th line, after the word "Chesterfield," insert the word "Culpeper." (*Disa-*
2 *greed.*)

6.—Same section, 12th line, strike out the word "Botetourt." (*Disagreed.*)

7.—Same section, 13th line, strike out the word "Culpeper." (*Disagreed.*)

8.—Same section, 16th line, after the word "Jefferson," strike out "Kanawha." (*Disagreed.*)

9.—Same section, 5th line, after the word "Franklin," insert "Frederick." (*Disagreed.*)

10.—6th line, before the word "Louisa," insert the word "Kanawha." (*Disagreed.*)

11.—7th line, after the word "Monroe," strike out the word "Nansemond." (*Disagreed.*)

12.—8th line, after the word "Rockbridge," insert "Randolph." (*Disagreed.*)

13.—14th line, strike out the word "Frederick." (*Disagreed.*)

14.—19th line, after the word "Nicholas," insert the word "Nansemond." (*Disagreed.*)

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15.—21st line, strike out "Randolph." (*Disagreed.*)

16.—8th section, 12th line, after the word "their," insert the word "heirs." (*Agreed to.*)

17.—9th section, 1st line, strike out from the word "shall," to the word "and," in the 8th line, and in lieu thereof insert, "be entitled to apply for and receive the land tax book or list of his predecessor, which book or list he shall keep so long as he shall continue in office." (*Agreed to.*)

18.—15th section, 5th and 6th lines, after the word "information," insert the word "present-ment." (*Agreed to.*)

19.—19th section, 4th line, strike out the word "now." (*Agreed to.*)

20.—20th section, 15th line, strike out the word "eleven," and in lieu thereof insert the word "thirty-five."

21.—Same section, at the end add, "and for such valuation and assessment the owner of the land shall pay to the commissioner one dollar for each parcel of land so valued and assessed."

22.—21st section, at the end add, "and for so doing the owner thereof shall pay to the commis-sioner one dollar in each case."

23.—22nd section, at the end add, "and when a tract of land lies partly in one county and partly in another, and the whole land is assessed in the county where the greater part lies, and the owner thereof shall sell and convey the part lying in the county where the land is not assessed, it shall be the duty of the commissioner of the revenue of the latter county to enter the same upon his land book, and charge the tax according to law, and to certify the name of the owner thereof, the quantity, valuation and other particulars concerning the part thus cut off and sold, to the commis-sioner of the county where the whole tract is assessed, who shall strike the same from his land book, and discharge the owner from so much of the assessed value of the tract."

24.—Strike out the 25th section, and in lieu thereof insert, "For performing such duty the com-missioner shall have the right to demand and receive, as in other cases, from the owner or ow-ners of each particular tract or lot of land, as aforesaid, the sum of one dollar: *Provided*, That no such reassessment shall be made until after ten days notice to the party or parties interested of the time at which such reassessment is to be made: *And provided also*, That whenever, by the said reassesement, the relative value of the several parcels of land shall not be changed, the said fee shall be charged to and paid by the person or persons calling for the reassessment."

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25.—32d section, after "July" insert, "and on or before the first day of June thereafter."

26.—35th section, at the end thereof add, "And for such valuation or revaluation the commis-
2 sioner shall have a right to charge and collect, as in other cases, of the owner or owners of such
3 lands the sum of one dollar."

27.—37th section, at the end thereof add, "It shall hereafter be the duty of the several county and
2 corporation courts within the commonwealth, before the lists of insolvents and of lands returned de-
3 linquent for the nonpayment of taxes for their respective counties by the sheriffs are allowed, to
4 call before them the commissioners of the revenue in their respective counties and corporations,
5 whose duty it shall be to give to their respective courts any information in their power respecting
6 insolvents, and lands so returned delinquent, whereupon said court may alter, reform or allow said
7 lists as they may deem proper."

28.—44th section, 2d line, strike out the word "March," and in lieu thereof insert the word
2 "February."

29.—Same section, 6th line, strike out the word "written." (*Agreed to.*)

30.—Same section, 12th line, strike out the word "February," and in lieu thereof insert the
2 word "January."

31.—Same section, at the end, strike out the word "February," and insert the word "January."

32.—45th section, 7th line, after the word "debt," insert the word "presentment." (*Agreed to.*)

33.—At the end of the 45th section add, "And if the commissioner shall so fail in any respect,
2 it shall be lawful, and also the duty of the person affected thereby, to render before the commis-
3 sioner or clerk of the county, upon oath, a list of his taxable property at any time on or before
4 the first day of May succeeding the year in which he ought to have been called upon by the
5 commissioner. And if such list shall be so given in, but too late to be placed upon the said lists
6 for the current year, it shall be lawful, and it is hereby made his duty, for the clerk of the county
7 to receive the tax assessed and due thereon, and grant receipts therefor. And it shall be the
8 duty of the clerk to pay all such receipts into the treasury on or before the first day of May of
9 each year."

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34.—46th section, 9th line, after the word "sheriff," insert the words "or collector." (*Agreed to.*)

35.—47th section, 9th line, after the word "sheriff," insert the words "or sergeant." (*Agreed to.*)

36.—53rd section, at the end add, "And such wholesale or retail vender of merchandize failing or refusing to render an account on oath of the value of such stock, shall be dealt with in the same manner, and be liable to the same penalties, as are herein imposed upon other persons in regard to other property or subjects of taxation. And the said commissioners, before granting any vender of merchandize a license to sell the same, shall require of him evidence that he or she has fully paid all taxes imposed upon him or her by the legislature for the preceding year: *Provided*, That this act shall not be so construed as to apply to the past or any preceding year, and that all merchants in stating the amount of his, her or their goods on hand on the first day of February of the present year, shall state the amount according to his, her or their best judgment."

37.—59th section, 9th line, after the word "sheriff," insert the words "or collector." (*Agreed to.*)

38.—61st section, 1st line, after the word "counties," insert the word "towns." (*Agreed to.*)

39.—64th section, 3d line, after the word "services," insert the words "upon oath." (*Agreed to.*)

40.—Same section, 7th line, after the word "accounts," insert "together with a copy of the account of the commissioner, and his affidavit thereto."

41.—64th section, 18th line, strike out the word "Frederick."

42.—Same section, 19th line, strike out the words "Pendleton, Princess Anne."

43.—Same section, 20th line, strike out the word "Stafford."

44.—Same section, 25th line, after the word "Patrick," insert the words "Scott, Smyth, Tazewell, Randolph."

45.—Same section, 27th line, before the word "Hampshire," insert the words "Frederick, Preston, Kanawha, Alleghany, Braxton, Fayette, Floyd, Jackson, Morgan, Mercer, Preston, Nicholas, Pocahontas, Giles."

46.—Same line, strike out "county" and insert "counties." (*Agreed to.*)

47.—Same section, same line, after the word "county," insert the words "and of the towns of Fredericksburg and Winchester."

48.—28th line, before the word "Monroe," insert "Botetourt, Nansemond."

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49.—Same section, 29th line, after the word "counties," insert the words "and that not more than seventy-five dollars shall be allowed to the commissioners of Staunton and Williamsburg."

50.—Same section, 28th line, strike out the words "Scott, Smyth and Tazewell," and in lieu thereof insert "and Warwick."

51.—Strike out the 66th section.

52.—Strike out the 67th section.

53.—76th section, at the end, add "provided, however, that this section shall not be construed so as to apply to the tax imposed for the year eighteen hundred and thirty-nine."

54.—81st section, 1st line, after the word "sheriff," insert the words "or collector." (*Agreed to.*)

55.—87th section, 2d line, after the word "county," insert the words "or sergeant in any town, where that officer is authorized to collect." (*Agreed to.*)

56.—92d section, 1st line, after the word "county," insert the words "or corporation." (*Agreed to.*)

57.—Same section, 4th line, after the word "county," insert the words "or town." (*Agreed to.*)

58.—101st section, 24th line, after the word "county," insert the words "or corporation, if such corporation constitutes a commissioner's district." (*Agreed to.*)

59.—109th section, after the word "number," insert "and compensation." (*Agreed to.*)

60.—109th section, at the end, add "This act shall be construed as a remedial and not as a penal statute."

61. Before the commencing clause insert the following section:

"*Be it further enacted*, That the justices of the several cities, counties, towns and boroughs of this commonwealth, shall, at their respective courts at which the county levy is now prescribed by law to be made, proceed to levy and assess the same, upon all the subjects of taxation upon which the public revenue is assessed, together with all persons subject to county levy under existing laws, and all acts and parts of acts coming within the purview of this act, shall be and the same are hereby repealed."

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[BILL No. 21.]

A BILL

Concerning Western Land Titles.

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1. *Be it enacted by the general assembly,* That the twentieth section of the act passed the fif-
2 teenth day of March eighteen hundred and thirty-eight, entitled, "an act to amend an act, entitled,
3 'an act to amend and explain the laws concerning western land titles, and for other purposes,'"
4 shall be and the same is hereby repealed; and the oath thereby required to be taken by the sur-
5 veyor shall be and the same is hereby required to be taken before some justice of the peace by
6 every person who shall make an entry of waste and unappropriated lands; and the taking of such
7 oath falsely shall be perjury; and no patent shall be issued to any person who shall not file with
8 the register of the land office a proper certificate of the affidavit aforesaid.

2. This act shall be in force from the passing thereof.

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[Bill No. 21.]

AMENDMENT

Proposed by the Committee for Courts of Justice to the "Bill concerning Western Land Titles," to whom the same was committed.

Strike out all after the word "repealed," in the fourth line, to the end of the section, and insert the following:

"*And be it further enacted*, That hereafter no warrant for waste and unappropriated lands shall issue from the land office unless the party applying for the same shall have paid into the treasury in the mode prescribed by law for every acre of land mentioned in the warrant, lying on the west side of the Alleghany mountains, twelve and a half cents, and for every acre lying on the east side thereof one dollar; and it shall be stated in every warrant in which of the said divisions the land of which it authorizes the location shall lie: *Provided*, That whenever a patent shall have issued for the land contained therein, if the same shall be legally assessed to less than the said sum per acre, it shall be lawful for the auditor of public accounts and he is hereby required to issue his warrant on the treasury in favour of the patentee or his assigns for the difference between the said price and the assessed value, and the same shall be paid accordingly: *And provided also*, That nothing herein contained shall prevent any person from obtaining exchange warrants in the manner now authorized by law."

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[BILL No. 24.]

A BILL

Directing the Treasurer of the Commonwealth to give the State's guarantee to a certain loan authorized to be negotiated by the Richmond, Fredericksburg and Potomac Rail-road Company.

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1. *Be it enacted by the general assembly,* That the president and directors of the Richmond, Fredericksburg and Potomac rail-road company be, and are hereby authorized, by and with the advice and consent of two thirds of the votes which can legally be given in general meeting of stockholders, held after ten days notice, to issue bonds or certificates of debt at a rate of interest not exceeding six per cent. per annum, to be negotiated in Europe or America, for such sum or sums not exceeding two hundred and eighty thousand dollars, as they may deem necessary to enable them speedily to complete their rail-road to the Potomac river. The said bonds or certificates shall be made payable at the expiration of twenty-five years, but may, if deemed expedient, be made redeemable by the company at pleasure after the expiration of ten years, upon six months notice.

2. *Be it further enacted,* That each bond or certificate shall distinctly set forth the amount of indebtedness incurred by it, the rate of interest to be paid, with the time and place of payment, and terms of redemption of the principal sum. If the bonds or certificates shall be in conformity with the above provisions, it shall be the duty of the treasurer of the commonwealth to underwrite the guarantee of the state to the effect following: "I, A. B., treasurer of the commonwealth of Virginia, in pursuance of the provisions of an act of the general assembly, passed on the day of in the year one thousand eight hundred and forty, do hereby pledge the faith of the state for the punctual payment of the interest, and the redemption of the principal sum of money appearing due by the above bond or certificate, according to the terms therein expressed. In testimony whereof, I have hereunto set my hand, and caused the seal of office to be annexed. Done at

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Richmond, Virginia, this day of in the year :" *Provided*, That before the aforesaid guarantee shall be given by said treasurer, the stockholders in general meeting shall direct their president and directors to pledge the profits upon the stock of said company, or so much thereof as may be necessary, to the punctual payment of the principal and interest on the bonds or certificates of debt issued under authority of this act, as said principal and interest falls due, in such form as may be approved by said treasurer.

3. *Be it further enacted*, That should the said bonds or certificates, or any portion of the same, be found after having received the guarantee of the state to be less available in the form in which they have been issued than they would be in some other, it may be lawful for the said president and directors to cancel the said bonds or certificates, and to issue others in their places; and it shall be the duty of the treasurer of the commonwealth on receiving the cancelled bonds or certificates to underwrite the guarantee of the state as above prescribed on such other bonds or certificates as may have been issued in lieu of those cancelled.

4. *Be it further enacted*, That if the said company accept the provisions of this act it shall be on the condition that the legislature have the right to tax the stock of said company, but no tax shall at any time be imposed on the stock of said company exceeding on each share of capital stock in the same the sum that at the time of laying said tax shall be imposed on each hundred dollars worth of land in this commonwealth, according to the *ad valorem* taxation of lands: *And provided*, Nothing herein contained shall at any time exempt the lands, houses, slaves and horses of said company from the same taxation with that imposed on similar property held by individuals; but should the legislature ever hereafter levy a tax on the stock of said company, then and in that case the value of the lands, houses, horses, and such slaves as actually belong to the company by purchase out of the actual stock of the company shall be deducted from the value of the stock of the company, and the tax on the stock shall only apply to the remainder of such stock after the value of the aforesaid property shall have been so deducted: *And provided further*, That the company shall be subject to the thirty-sixth section of an act prescribing certain general regulations for the incorporation of rail-road companies, passed March eleventh, one thousand eight hundred and thirty-seven; but the said company shall not be required under the said section to accept a less

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rate of compensation for the transportation of the mail between Richmond and Washington than the highest rate paid at the time by the post office department, or contracted to be paid on other portions of the great northern and southern line of rail-road between New York and New Orleans.

5. *Be it further enacted*, That if the said Richmond, Fredericksburg and Potomac rail-road company accept the provisions of this act, they shall permit the Falmouth and Alexandria rail-road company to connect with their rail-road at any point between Fredericksburg and Potomac river; and if a rail-road shall be authorized to be made from Warrenton to Fredericksburg, or that neighbourhood, they shall permit a like connection.

6. This act shall be in force from its passage.

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[BILL No. 24.]

A BILL

Concerning the Jurisdiction of Circuit Superior Courts.

---

1. *Be it enacted by the general assembly*, That the circuit superior courts of law and chancery of
2 this commonwealth shall have and exercise appellate jurisdiction in all actions or suits at law what-
3 soever originating in the county or corporation courts, where the debt or damages or other thing
4 recovered or claimed in such action or suit, exclusive of the costs, shall exceed the value or amount
5 of twenty dollars, any law to the contrary notwithstanding.

2. *And be it further enacted*, That whenever any suit at law shall have been or shall hereafter
2 be pending in a county or corporation court, and shall have been ready for trial for the space of
3 two quarterly terms, without a trial thereof having been had, it shall be lawful for either party in
4 such suit to obtain by motion without notice an order of such court directing that the suit shall be
5 removed to the circuit superior court of law and chancery of the same county or corporation for
6 trial; and the said inferior courts are hereby required to make such order upon the motion of any
7 party as aforesaid for the removal of the suit.

3. *And be it further enacted*. That whensoever any suit or action shall be so ordered to be re-
2 moved, it shall be the duty of the clerk of the inferior court to deliver to the clerk of the circuit
3 superior court to which the same has been ordered, all the original papers belonging to such suit,
4 together with a statement of all the costs incurred by each party, and copies of all orders which
5 may have been made therein, both at rules and in court, for which the clerk receiving the same
6 shall give a receipt if required. And thereupon the suit shall be placed on the docket of the cir-
7 cuit superior court and shall stand in the same plight and condition as it stood in the inferior court.
8 And the circuit superior court shall have the same jurisdiction thereof and shall proceed therein
9 in all respects as if the suit had been originally instituted in the circuit superior court, any thing in

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any law to the contrary notwithstanding. And no objection shall be taken to the jurisdiction of such court although it might not have had original jurisdiction thereof, provided that the matter in controversy be of sufficient amount or value to give jurisdiction to a county court.

4. This act shall be in force from the passing thereof.

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[BILL No. 25.]

A BILL

Prescribing the punishment for Poisoning or Attempting to Poison.

---

1. *Be it enacted by the general assembly*, That if any free person or persons shall wilfully, ma-
2 liciously and unlawfully administer, or cause to be administered, or taken any deadly poison or
3 other noxious and destructive substance, or thing, with intent thereby to murder, every such per-
4 son or persons shall be deemed guilty of felony, and on being thereof lawfully convicted, shall be
5 punished by confinement in the public jail and penitentiary for not less than five nor more than
6 ten years. And if the person or persons so offending shall be a slave or slaves, he, she or they
7 shall be adjudged a felon, and shall suffer death without the benefit of clergy: *Provided*, That
8 nothing herein contained shall be construed to change the punishment of the crime of murder
9 perpetrated by poison.

2. This act shall be in force from the passing thereof.

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[BILL No. 28.]

A BILL

Concerning Special Courts of Appeals.

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1. *Be it enacted by the general assembly,* That the third section of the act, entitled "an act pro-
2 viding for special courts of appeals," passed March 15, 1832, shall be and the same is hereby re-
3 pealed.

2. This act shall be in force from the passing thereof.

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[BILL No. 29.]

A BILL

To provide for a Revision of the Laws.

---

1. *Be it enacted by the general assembly*, That the gentlemen hereafter appointed be a committee of revisors, whose duty it shall be, First, to report what laws which are of a general concern, other than penal laws, should remain in force at the close of the next session of the general assembly. Secondly, to prepare bills upon the subject of such laws, as from their multiplicity ought to be reduced into single acts. Thirdly, to report what laws, or parts of laws, are either unfit to be continued in force, or unnecessary to be published in any code of laws. Fourthly, to note, in due order of time, and report the titles of all laws which it may be proper to omit in a general compilation of the laws: And fifthly, to make such notes of reference and explanation as they may deem necessary to a clear understanding of the laws.

2. *And be it further enacted*, That the sum of dollars shall be paid to and divided among the said revisors, or such of them as shall carry into effect the provisions of this act, and they shall make report of their proceedings to the next general assembly. And the executive are hereby authorized to have copies of the said report printed for the use of the general assembly before the commencement of its next session.

3. *And be it further enacted*, That shall be and they are hereby appointed a committee of revisors for the purposes before mentioned; and in case of the death or non-acceptance of either of them the executive shall be and are hereby empowered to fill the vacancy or vacancies.

4. *And be it further enacted*, That the said revisors shall be empowered to appoint a clerk, and the executive shall make such allowance to him for his services as may be deemed adequate and proper.

5. This act shall be in force from the passing thereof.

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[BILL No. 38.]

A BILL

Requiring certain duties therein mentioned of the Court of Appeals and General Court.

---

1. *Be it enacted by the general assembly,* That it shall be the duty of the court of appeals and
2 general court, to report to the legislature at the commencement of their annual session, all novel
3 questions of law or equity, involving any principle of general interest or importance, which may
4 have been decided by them during the preceding year, together with a note of any important
5 omissions or imperfections in our code, by which, in their opinion, the speedy and impartial ad-
6 ministration of justice may probably be obstructed.

2. *And be it further enacted,* That all such reports of the said courts, shall be printed, bound
2 and distributed with the acts of each session of the general assembly.

3. This act shall be in force from the

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[BILL No. 39.]

A BILL

Concerning the County and Corporation Courts.

---

1. *Be it enacted by the general assembly*, That hereafter only two terms in every year of the
2 several county and corporation courts of this commonwealth shall have the authority and jurisdic-
3 tion now possessed and exercised by the quarterly terms of those courts; and the remaining ten
4 terms shall have and exercise the powers and jurisdiction of the monthly terms. The said two
5 terms shall be styled courts of *General Sessions*, and shall be held on the days which now are or
6 may hereafter be prescribed by law in the months of June and November: *Provided however*, That
7 the justices of every court, a majority of the whole number in the county or corporation being
8 present, may at their next June or July terms respectively, order and appoint the said terms of
9 general sessions to be held in any other month or months. A copy of every order so made shall
10 be transmitted to the governor, who shall thereupon issue his proclamation making it known that
11 the courts of general sessions of each county and corporation are thereafter to be held in the
12 several months appointed in the said orders respectively, instead of the months herein before men-
13 tioned. And from and after the date of the said proclamation, the said courts of general sessions
14 shall be held in the months so ordered and appointed, in the same manner, and shall have the same
15 powers, authority and jurisdiction in all respects, as if the same had been so appointed by this act.
16 And thereafter no change of the time of holding the said courts shall be made except by act of the
17 legislature.

2. *And be it further enacted*, That all writs of *capias ad respondendum* or other process to an-
2 swer any action may be made returnable to any monthly term of the county or corporation courts
3 or to a term of general sessions; and the same proceedings shall be had in suits so instituted, as
4 are now had in suits in which the process or writs are made returnable to the quarterly courts.

3. This act shall be in force from and after the thirty-first day of May next.

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[BILL No. 45.]

A BILL

Concerning Witnesses in Civil Cases.

---

1. ***Be it enacted by the general assembly,*** That it shall be lawful for any party in any civil action
2 now depending or hereafter to be instituted in the courts of this commonwealth, to take the depo-
3 sition of any witness or witnesses who may reside within the state and more than fifty miles from
4 the place where the suit is to be tried, upon giving reasonable notice of the time and place of ta-
5 king such deposition to the adverse party, and where he resides without the state, to his agent or
6 attorney within the same, or in the manner now prescribed by law, stating in the notice so given
7 as aforesaid, the general nature of the fact or facts which are expected to be proved by such wit-
8 ness or witnesses. And it shall be the duty of the clerk of the court in which the said suit may
9 be depending, at any time after the expiration of ten days from the date of the last service of such
10 notice as aforesaid, upon proper affidavit made before him or any justice of the peace, that the
11 evidence of such witness or witnesses is material in the cause, and cannot be supplied effectually
12 by any witness known to the party and residing within the distance aforesaid, to issue a commission
13 directed to any justice of the peace in the county or corporation where the deposition is proposed
14 to be taken, and to append to such commission a copy of any interrogatories which may be filed
15 in his office by the adverse party or his attorney, to be propounded to such witness or witnesses,
16 with a direction to the justice named in the commission to propound the same; and every deposi-
17 tion which shall be taken according to the provisions of this act shall be competent testimony for
18 either party, in the same manner and to the same extent as depositions taken without the state,
19 unless the opposite party before impannelling a jury shall make it appear to the court that there
20 is good reason to require the personal presence of the witness, and that it may be procured by due
21 diligence, or that there is other legal objection to the deposition: ***Provided however,*** That nothing

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herein contained shall be so construed as to prevent the adverse party also from taking the deposition of such witness or witnesses thereafter in the manner prescribed by this act, or from compelling his or their personal attendance in the manner and upon the terms now provided for by law.

2. *And be it further enacted*, That in actions at law in which depositions may have been taken upon notice in any of the modes prescribed by law, no exception shall be allowed to such deposition for any defect or informality in the same, or to the commission or notice, unless such exception be made in court before impannelling the jury; and it shall be lawful for the court previously thereto to decide on all such objections, and also upon the competency of any testimony contained in such or any other deposition, either before or after impannelling of the jury, upon the request of either party.

3. This act shall be in force from and after the passing thereof.

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[BILL No. 48.]

A BILL

Concerning Levies for the Building of Bridges and Causeways.

---

1. *Be it enacted by the general assembly,* That it shall not hereafter be lawful for any county court to levy any charge in their county or road levy in the cases authorized by the tenth section of the act, entitled "an act to provide for the opening and repair of the public roads in this commonwealth," passed third March, eighteen hundred and thirty-five, where the amount levied shall be two hundred dollars or over that sum, unless the acting justices of the county shall have been previously summoned for that purpose, and a majority thereof be actually present, any thing in the said section contained to the contrary notwithstanding.

2. This act shall be in force from the passing thereof.

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[BILL No. 49.]

A BILL

Concerning Executions and New Trials in cases upon Warrants.

---

1. *Be it enacted by the general assembly,* That it shall be lawful for justices of the peace, when-
2 ever any execution issued upon a judgment on a warrant shall be returned no effects, or shall
3 have any other legal return shewing that the same has not been satisfied, to issue another execu-
4 tion upon such judgment at any time within one year after the date of the judgment and not after-
5 wards. And if any question about the legality of such execution shall arise, it shall be lawful for
6 the court of the county or corporation in which the judgment may have been obtained to hear and
7 decide any motion to quash the said execution, in the same manner as if it had issued from the
8 clerk's office thereof, provided ten days notice has been previously given to the adverse party.

2. *And be it further enacted and declared,* That no new trial of any case arising upon a warrant,
2 shall be granted by any justice of the peace, except by him who rendered the judgment, unless
3 in case of the death, resignation, or removal of such justice, in which event any other magistrate
4 may grant the same; nor in any case after the expiration of thirty days from the date thereof; nor
5 unless the opposite party shall have had five days previous notice of the time and place of the ap-
6 plication for such new trial.

3. This act shall be in force from its passage.

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[Bill No. 49.]

A SUBSTITUTE

For the Bill concerning Executions and New Trials in cases of Warrants.

---

1. *Be it enacted by the general assembly*, That no new trial of any case arising upon a warran
2 for the recovery of money or other thing, shall be granted by any justice of the peace, except by
3 him who rendered the judgment, unless in case of the death, resignation, or removal of such jus-
4 tice; nor in any case after the expiration of thirty days from the date of said judgment; nor unless
5 the opposite party shall have had at least three days previous notice in writing of the time and place
6 of application for such new trial.

2. *And be it further enacted*, That if any question shall arise about the legality of any new trial
2 granted of any such case, or of any execution issued by any justice of the peace, it shall be
3 lawful for the court of the county or corporation in which the said new trial shall have been
4 granted, or execution issued, upon ten days notice in writing to the opposite party to hear and de-
5 termine a motion to reverse or quash the same, in like manner as all other motions are now heard
6 and determined by the said court: *Provided*, That nothing in this act contained shall be construed
7 to empower any court to control the discretion of any justice of the peace in granting a new trial
8 of any case where he shall have lawful authority to do so.

3. This act shall be in force from the passing thereof.

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[BILL No. 49.]

A BILL

Concerning Executions and New Trials in Cases upon Warrants.

---

1. *Be it enacted by the general assembly,* That it shall be lawful for justices of the peace whenever any execution issued upon a judgment on a warrant shall be returned no effects, or shall have any other legal return shewing that the same has not been satisfied, to issue another execution upon such judgment at any time within one year after the date of the judgment and not afterwards; and if any question about the legality of such execution shall arise, it shall be lawful for the court of the county or corporation in which the judgment may have been obtained to hear and decide any motion to quash the said execution, in the same manner as if it had issued from the clerk's office thereof.

2. *And be it further enacted and declared,* That no new trial of any case arising upon a warrant shall be granted by any justice of the peace, except by him who rendered the judgment, nor after the expiration of thirty days from the date thereof, nor unless the opposite party shall have had three days notice of the application for such new trial.

3. This act shall be in force from its passage.

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[BILL No. 51.]

A BILL

To change the time of holding the General Elections in this Commonwealth.

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1. *Be it enacted by the general assembly,* That the general election of delegates for the several
2 counties, cities, towns and boroughs and election districts entitled to representation, and the elec-
3 tion of the eight senators for one of the four classes of senatorial districts in the room of those
4 who will hereafter be annually displaced, shall be held in the several counties, cities, towns and
5 boroughs on the respective court days in the month of April of every year; and the regular ge-
6 neral election of representatives of this state in the congress of the United States shall also be
7 held on the respective court days in April of each year in which by law they are now directed to
8 be held.

2. All special elections shall be held as was prescribed by law before the passage of the "act
2 to change the time of holding elections for members of the general assembly and of congress,"
3 passed thirteenth March eighteen hundred and thirty-seven.

3. This act shall be in force from the passage thereof.

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[BILL No. 52.]

A BILL

To amend an Act entitled "An Act concerning General Elections in this Commonwealth."

1. *Be it enacted by the general assembly,* That in addition to the superintendents required by the 2 forty-sixth section of the "act concerning general elections," passed second April eighteen hundred 3 and thirty-one, it shall be the duty of the court of each county, whether a separate poll or polls 4 are authorized to be held therein or not, to appoint five discreet and intelligent freeholders, resi- 5 dents of said county, who, or any two or more of whom may act, to superintend the election at the 6 courthouse of such county; and the person so appointed shall take the same oath and perform the 7 same duties which are prescribed in the said act. And the same proceedings shall be had in case 8 of the death, removal, resignation or refusal to act, as are therein prescribed.

2. *Be it further enacted,* That the officer or officers whose duty it now is to certify returns of 2 senators and delegates elected to serve in the general assembly, shall hereafter in lieu of the duty 3 required of them by the twenty-seventh section of the "act concerning general elections in this 4 commonwealth," within days after the election of any such senator or delegate shall have 5 been ascertained in the mode provided in the said act, make out two returns or certificates in the 6 form prescribed by law of such election, one whereof, duly sealed up and directed, he shall imme- 7 diately transmit by mail to the secretary of the commonwealth, to be filed away and kept in his 8 office, subject only to be delivered if demanded to the person named therein, and the other the 9 said returning officer or officers shall deliver to the senator or delegate elect; and from the returns 10 so transmitted to the secretary of the commonwealth, or those delivered to members, the clerks of 11 the senate and of the house of delegates shall make out their respective lists of senators and dele- 12 gates; and for failure to perform any duty herein required of them, the said returning officer or 13 officers shall be subject to the penalties imposed by the fifty-seventh section of the above recited 14 act.

3. This act shall be in force from and after the passing thereof.

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[BILL No. 56.]

A BILL

Providing for the arrest and detention of Fugitives from Justice from other States.

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1. *Be it enacted by the general assembly,* That if any person shall be charged before any justice
2 of the peace in this commonwealth with any treason, felony or other crime committed in any other
3 of the United States, or in any district or territory thereof, and such charge shall be verified by
4 credible affidavit, by the copy of an indictment found in such state, district or territory, or by other
5 satisfactory evidence on oath, it shall be the duty of such justice of the peace if he have probable
6 cause to believe that such person hath committed the offence wherewith he is charged, and that
7 he ought to be tried therefor in such other state, district or territory, to cause such person forth-
8 with to be committed to the jail of his county or corporation, and it shall be the duty of the jailor
9 to whose custody such person may be committed to transmit forthwith a notice of the proceedings
10 to the executive or other proper authority of such state, district or territory.

2. *And be it further enacted,* That unless the governor of Virginia shall within three months
2 after the commitment aforesaid, order the said fugitive to be delivered up to the agent of the exe-
3 cutive or other proper authority of the state, district or territory within whose jurisdiction the of-
4 fence is charged to have been committed, it shall be the duty of said jailor to discharge said pri-
5 soner from custody.

3. *And be it further enacted,* That it shall and may be lawful for any judge of the general court
2 or for any county or corporation court in whose jail the prisoner may be confined, at any time
3 pending the confinement of said prisoner, for good cause appearing, to order said prisoner to be
4 discharged from custody.

4. This act shall be in force from the passing thereof.

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[BILL No. 68.]

A BILL

Concerning the Publication of Deeds.

---

1. *Be it enacted by the general assembly*, That it shall be the duty of the several clerks of the
2 county and corporation courts of this commonwealth in the list of deeds required to be set up at
3 the principal door of their respective courthouses, to include all deeds admitted to record during the
4 terms of their courts; and any clerk failing to perform such duty shall be liable to the forfeitures
5 and penalties declared in the ninth section of the act, entitled "an act to reduce into one the se-
6 veral acts for regulating conveyances, and concerning wrongful alienations," recoverable and ap-
7 propriated in the manner prescribed in said section.

2. This act shall be in force from and after the first day of June next.

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[BILL No. 77.]

A BILL

To establish a Board of Agriculture.

Whereas it has been represented to the general assembly that the agricultural community have various interests requiring the fostering care of the state, which should be extended to them according to some system approved by observation and regulated by experience; and whereas it appears to the general assembly that these ends would be promoted by the establishment of a board whose duty it should be to present to the legislature from time to time a general view of the agricultural statistics of the commonwealth, to inform the public of the progress of improvement, to communicate such facts as when collected and digested may promote the agricultural interests of the state, and to suggest such measures for the adoption of the general assembly as the aforesaid board may deem proper for the development of the resources and the protection and advancement of that important branch of industry in the commonwealth:

1. *Be it therefore enacted*, That a board to be called "A Board of Agriculture," shall hereafter be constituted, to consist of eight members, to be appointed triennially by the executive of this commonwealth, of whom two shall be selected from each of the four divisions of the state, as specified in the second section of the third article of the constitution for the apportionment of representation in the house of delegates.

2. *Be it further enacted*, That it shall be the duty of said board to present annually to the legislature a general view of the condition of agriculture in this state; to report the nature and quantity of the agricultural staples so far as they may be able to ascertain the same; to collect and digest such facts in relation to the improvement and cultivation of the soil, and the best modes of preparing its various products for their appropriate uses, as they may think would afford useful information to the agricultural community; to report so far as they may ascertain the same the relative

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degrees of encouragement afforded by the state of foreign and domestic markets to the various agricultural productions of this commonwealth; and to suggest to the legislature such measures as they may deem advisable for the development of the resources and the promotion of the general interests of agriculture in this commonwealth.

3. *Be it further enacted*, That it shall be the duty of said board to hold one session in each year at such time and place as may be fixed upon by the board, with the consent of the executive, at their first meeting to be held in the city of Richmond on the first Monday in December next: *Provided however*, That the said board shall in no case sit more than fifteen days in any one year.

4. *Be it further enacted*, That the said board shall have power to employ a clerk during its sessions upon such terms as are prescribed for the compensation of clerks of the standing committees of the house of delegates; and each member of the said board shall receive such per diem compensation during the sessions thereof, and such allowance for mileage in going to and from its place of session, as are now provided by law in like cases of members of the general assembly.

5. This act shall be in force from the passing thereof.

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[BILL No. 75.]

A BILL

To amend the fifty-second section of the act, entitled "an act reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators."

---

1. *Be it enacted by the general assembly*, That if any executor after he has qualified shall be-
2 cause of his death, or by reason of his removal from office, or from any other cause, become dis-
3 qualified to make sale and conveyance of lands devised to be sold, as authorized by the fifty-second
4 section of the act, entitled "an act reducing into one the several acts concerning wills, the distri-
5 bution of intestates' estates, and the duty of executors and administrators," passed March 3d, 1819,
6 then the sale and conveyance of such lands shall be made by such person or persons to whom
7 administration of the testator's estate with the will annexed shall be granted.

2. *Be it further enacted*, That the provisions of the preceding section shall not be construed to
2 annul or impair in any manner the power to sell as prescribed by the said fifty-second section.

3. This act shall be in force from the passing thereof.

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[BILL No. 80.]

A BILL

Concerning Flour Barrels.

---

1. ***Be it enacted by the general assembly,*** That all flour barrels which shall hereafter be brought 2 to any place of inspection within this commonwealth for exportation, shall be made in the manner 3 prescribed by the 4th section of the act, entitled "an act to amend and reduce into one act the 4 several acts now in force for regulating the inspection of flour, indian meal and bread," passed 5 February eighteenth, eighteen hundred and nineteen, except that the same may hereafter be made 6 of any kind of good seasoned timber either split or sawed, any thing in any existing law to the 7 contrary notwithstanding. And when in the opinion of the inspector any such barrel shall be in- 8 sufficient, or in any manner damaged, it shall be his duty to state the sum necessary to be paid on 9 every such barrel for putting the same in good order.

2. This act shall be in force from the passing thereof.

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[BILL No. 82.]

A BILL

Charging real assets with the payment of simple contract debts, and declaring the mode of administering the same.

---

1. *Be it enacted by the general assembly,* That when any person shall die seized of or enti-
2 tled to any estate or interest in lands, tenements or hereditaments, or other real estate, which he
3 shall not by his last will and testament have charged with, or devised, subject to the payment of
4 his debts, the same shall be assets to be administered in courts of equity for the payment of the
5 just debts of such person, as well debts due on simple contract as on specialty; and that the heir
6 or heirs at law, devisee or devisees of such debtor shall be liable to all the same suits in equity
7 at the suit of any of the creditors of such debtor, whether creditors by simple contract or by spe-
8 cialty, as the heir or heirs at law, devisee or devisees of any person or persons who died seized
9 of freehold estates is or are liable to in respect of such freehold estates at the suit of creditors by
10 specialty in which the heirs are bound: *Provided however,* That in the administration of assets by
11 courts of equity under and by virtue of this act, all creditors by specialty in which the heirs are
12 bound shall be paid the full amount of the debts due to them before any of the creditors, by sim-
13 ple contract, or by specialty in which the heirs are not bound shall be paid any part of their de-
14 mands.

2. *Be it further enacted,* That no testamentary provision charging the debts of the testator ge-
2 nerally upon his real estate, or upon any part thereof, shall be held to prevent the operation of the
3 statute of limitations against such debts, unless it shall plainly appear to be the intent of such pro-
4 vision that the said statute shall be no bar to their recovery. And no debt shall be protected
5 against the operation of the statute of limitations by this act, nor by any assumpsit of the executor
6 or administrator, so as to charge the real estate in possession of the heirs or devisees with the pay-
7 ment thereof.

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3. *Be it further enacted*, That courts of equity in the administration of assets under and by vir-
2 tue of this act, after the payment of creditors by specialty binding the heirs, shall consider the same
3 as equitable assets, and in the distribution thereof be governed accordingly.

4. This act shall commence and be in force from and after the first day of July next.

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[BILL No. 86.]

A BILL

Concerning the Arrest of Poor Debtors.

---

1. *Be it enacted by the general assembly,* That in all cases hereafter where any debtor or debtors shall be arrested by any sheriff or other officer upon *mesne* or final process issuing in any civil action from either of the courts of this commonwealth, the distance between the place of arrest and the proper jail to which the party arrested ought to be committed being miles or upwards, and it should be deemed necessary by the officer making the arrest to commit the party or parties arrested to the said jail, he, she or they refusing to go, he is hereby required, in the event of the debtor arrested having no other visible way or means of conveyance to the said jail other than by walking, to hire at the expense of the plaintiff or plaintiffs, upon reasonable terms, such means of conveyance, and return an account of the expense thereof with such process to the clerk's office from which the same issued, to be charged or taxed as in other cases in the bill of costs, and which may be collected in the same manner as all other costs or fees accruing in any such action are now collectable.

2. This act shall be in force from the passing thereof.

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[BILL No. 95.]

A BILL

To prohibit Betting upon Elections.

---

1. *Be it enacted*, That if any person shall bet or wager upon any election or appointment to
2 office to be made under the authority of the laws of this commonwealth or of the United States,
3 or both, or shall bet or wager upon any result or results of such election, whether such bet or
4 wager be of money or other thing of the value of one dollar or upwards, he shall upon conviction
5 thereof be guilty of unlawful gaming, and for every such offence shall forfeit and pay the sum of
6 fifty dollars, to be recovered in any of the modes prescribed by the act, entitled "an act to reduce
7 into one the several acts to prevent unlawful gaming;" and in every case of conviction an attor-
8 ney's fee of twenty dollars shall be taxed in the bill of costs.

2. This act shall be in force from and after the first day of next.

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[BILL No. 96.]

A BILL

To amend the several Acts concerning Ferries.

---

1. *Be it enacted by the general assembly*, That it shall not be lawful for the court of any county
2 to grant leave to establish a ferry over any water course within one half mile of any other ferry
3 legally established over the same water course. And if any person, not having heretofore ob-
4 tained lawful authority to do so, shall keep a public ferry over any water course within the distance
5 aforesaid of another ferry over the same water course legally established and regularly kept up, or
6 shall keep a boat or boats with assistants or ferrymen, generally prepared and in attendance to carry
7 persons, horses, or carriages of any kind including waggons and carts, and shall actually carry the
8 same or any of them, whether for reward or not, over any water course within one half mile of any
9 ferry which may at the time be legally established and regularly kept up over the same water course,
10 every person so offending, shall for every such offence, forfeit and pay the sum of two hundred dol-
11 lars; to be recovered by action of debt in the name and for the use of the proprietor or keeper of the
12 ferry which shall be within the distance aforesaid: *Provided*, That the said penalty shall not be reco-
13 verable for the commission of such offence oftener than once in any one month; and that nothing
14 herein contained shall be so construed as to prevent any person from carrying the members of his
15 own family or persons in his employment and his own property across any water course in his own
16 boats, or any merchant or miller from carrying free of toll any person *bona fide* engaged in the
17 actual transportation of grain, timber or other produce, and necessarily accompanying the same, to
18 or from his store or mill.

2. *And be it further enacted*, That in all cases arising under the present laws if it shall appear
2 that any person has paid to any slave or servant who may be employed in conducting a ferry boat,
3 or a boat at a ferry not established by law, any compensation or gratuity for carrying him or his

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property over any water course, such compensation shall be deemed and taken to be paid and received by the owner of such illegal ferry.

3. *And be it further enacted*, That it shall be lawful for the proprietor of any ferry legally established to require that the tolls allowed by law shall be paid previously to the transportation of any passenger or property over any water course.

4. This act shall be in force from and after its passage: *Provided*, That no penalty shall be incurred under the first section thereof until the first day of May next.

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[BILL No. 97.]

A BILL

Concerning Lotteries.

---

1. *Be it enacted by the general assembly,* That the second proviso of the first section of the "act to suppress lotteries in this commonwealth," passed the twenty-fifth of February eighteen hundred and thirty-four, shall be and the same is hereby repealed, and nothing in the said act contained shall be construed to extend to or interfere with any contract which has been already made, or which may be hereafter made, under and by virtue of any existing law authorizing the same for the drawing of any lottery, the drawing whereof shall not extend beyond the day of in the year

2. This act shall be in force from the passing thereof.

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[Bill No. 97.]

SUBSTITUTE

Proposed by MR. MAY *as an amendment to the "Bill concerning Lotteries."*

Strike out from the word "*assembly*," in the 1st section, 1st line, to the end of the bill, and insert:

"That hereafter it shall not be lawful to sell or offer for sale a ticket or share of a ticket, or any promise or obligation to pay the prize or part of the prize which may be drawn by any ticket in any lottery not authorized to be drawn by the laws of this commonwealth. And if any person shall offend herein, he shall be guilty of a misdemeanour, and shall, on conviction thereof, be punished in the manner prescribed by the several acts to prohibit the sale of lottery tickets; and especially the act entitled "an act to prevent the sale of foreign lottery tickets within this commonwealth," passed the eleventh February eighteen hundred and twenty-five; and the fourth and sixth sections of the act entitled "an act to amend the revenue laws," passed the twenty-eighth February eighteen hundred and twenty-nine; which are hereby re-enacted and declared to be in full force and effect: *Provided*, That nothing herein contained shall prohibit any person having a license to sell foreign lottery tickets, from making sale thereof during the period stated in such license.

"2. *And be it further enacted*, That hereafter no lottery shall be drawn in this state, under any act authorizing the same, or any contract in pursuance thereof, unless the manager thereof, or the contractor, his agent or assignee, shall previously to the sale of any ticket therein, make a full and detailed plan or scheme of such lottery, shewing the number of prizes, the amount of each prize, and the aggregate amount of them all; the number of blanks; and the number of tickets, with the price of each ticket; and also that such number, at the price stated, shall not produce an amount exceeding the aggregate amount of the said prizes; and shall moreover make affidavit before some justice of the peace that the same exhibits a just and true plan or scheme of the lottery proposed to be drawn by him, or the particular class thereof; and also that no more tickets than the number therein stated shall be sold or issued by him, or by his authority or sanction; and shall file such scheme and affidavit with the clerk of the county or corporation in which it is intended to offer

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such lottery tickets for sale; and if it be intended to offer the same for sale in different places, a copy thereof shall be filed with the clerk of each county or corporation in which the said tickets may be so offered.

"3. *And be it further enacted*, That if any person shall receive or demand for any lottery ticket in any such lottery, previously to the drawing thereof, any greater sum or price than the price mentioned in such scheme, or shall sell or offer to sell any ticket in any lottery, of which the scheme made or verified as aforesaid shall not have been made and filed in the manner herein before directed, he shall be guilty of a misdemeanour, and upon conviction thereof shall be punished in the same manner as persons convicted of selling foreign lottery tickets contrary to law, and shall moreover forfeit all right to draw any further part, class or scheme of any lottery, by virtue of any act authorizing the same, or any contract or agreement founded thereupon.

"4. *And be it further enacted*, That a sum not exceeding twenty per cent. on the amount, shall and may be deducted from every prize drawn in any lottery which may hereafter be drawn in this state; of which one half shall and may be retained by the manager, contractor, his assigns or agents, in full satisfaction of all expenses attending the sale of tickets and the drawing of the lottery; and the remaining half shall be considered a part of the amount allowed to be raised by virtue of such lottery.

"5. *And be it further enacted*, That if any one or more classes or portions of any lottery has been drawn under any statute authorizing the same, it shall not be lawful for any person whatever to draw any further class or portion of such lottery, or to issue or sell any ticket therein, until the commissioners who were empowered to draw the same, or the manager, contractor or agent who may have been empowered to do so, shall furnish to the executive a statement upon oath, shewing the amount which has been raised by such lottery for the purposes authorized by law, and the amount which has been raised to defray the expenses of drawing the same; and also the number of classes thereof which may have been drawn; and if any person shall draw any further class or portion of such lottery, or shall issue any ticket therein, he shall be guilty of a misdemeanour, and upon conviction thereof shall forfeit and pay the sum of one thousand dollars; and moreover shall forfeit all rights and powers conferred by the act authorizing such lottery."

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[BILL No. 99.]

A BILL

Amending the Laws concerning Attachments against Absent Defendants.

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1. *Be it enacted by the general assembly*, That so much of the first section of the act concerning
2 attachments against absent defendants, as requires such defendants to give security to the satisfac-
3 tion of the court for performing the decree, shall be and the same is hereby repealed: *Provided*,
4 That no appearance or answer of any defendant shall have the effect of discharging the attachment
5 unless such security be previously given.

2. *And be it further enacted*, That in all cases of attachment against absent defendants it shall
2 and may be lawful for the court before which the attachment may be returned, to have and exer-
3 cise the same power of sale over the attached effects as is provided in the case of absconding
4 debtors, by an act, entitled "an act amending the laws concerning attachments against abscond-
5 ing debtors," passed March sixth, eighteen hundred and thirty-eight.

3. This act shall be in force from the passing thereof.

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[BILL No. 104.]

A BILL

Amending the Laws in relation to the Course of Descents.

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1. *Be it enacted by the general assembly,* That the thirteenth section of the act, entitled "an act to reduce into one the several acts directing the course of descents," shall be and the same is hereby repealed. And hereafter no right in the inheritance shall accrue to any persons whatever, unless such person be in being and capable in law to take as heir at the time of the intestate's death, or being in *ventre sa mere* shall be born in ten months thereafter; and all persons so born shall be capable of taking by inheritance in the same manner as *posthumous* children heretofore inherited from their fathers.

2. *Be it further enacted,* That when any testator shall by his will direct that his estate shall be kept together for the support of his family, or be otherwise managed or disposed of for that purpose, and shall die, leaving a wife and child or children therein provided for, and any after born child unprovided for and pretermitted, but not disinherited; or shall have any *posthumous* child not provided for nor disinherited, the estate shall be managed in all respects as may be directed by the testator and for the period during which he may have so directed; and during that period the pretermitted or *posthumous* child or children shall be supported in the same manner as is or may be directed in relation to the other child or children, and shall be entitled to the same extent with them to an equal share of the fund or other provision created for their support, towards making which all the other persons interested therein shall contribute ratably. And in all other respects such after born and pretermitted child or children shall be entitled to the same share of the estate to be raised in the same manner as is now provided and directed by law: *Provided,* That nothing herein contained shall affect the liability of any estate to the payment of its debts.

3. This act shall be in force from the passing thereof.

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[BILL No. 106.]

A BILL

Concerning the Draining of Lands.

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1. *Be it enacted by the general assembly,* That when any owner of land situate on any water
2 course or contiguous thereto shall desire to drain said land, or clear said water course of obstructions,
3 or straighten the same by a canal or otherwise, and so doing shall be deemed useful and benefi-
4 cial to the public as well as to the owner of said land, and shall not himself have the fee simple
5 property in the lands through which any part of said canal is proposed to be conducted, or of the
6 part of the stream proposed to be straightened or cleared of obstructions, it shall be lawful for
7 such owner to make application to the court of the county within which it is proposed to cut said
8 canal, or straighten, or clear of obstructions said stream for a writ of *ad quod damnum* to be
9 awarded to him in the manner and upon the conditions prescribed by the act, entitled "an act to
10 reduce into one the several acts concerning mills, mill-dams and other obstructions to water
11 courses," passed March second, eighteen hundred and nineteen: *Provided,* That no such writ of
12 *ad quod damnum* shall be awarded unless the owner of the lands through which any part of said
13 canal is proposed to be conducted, or on or through which any part of said stream so to be
14 straightened, or cleared of obstructions shall flow, shall have previous notice of the application
15 therefor as follows, that is to say: if such owner live within the county in which said land lies, or
16 have an agent therein, he or she, or his or her agent shall have ten days previous notice. If he
17 or she live not within the county and have no agent therein, then the applicant may either serve
18 him or her with personal notice ten days prior to the application, or he may advertise such inten-
19 ded application on the door of the courthouse of said county on the first day of two terms next
20 preceding, and for four weeks successively in some newspaper, such as the court of county shall
21 have directed; infant owners shall have like notice by their guardians, and married women by
22 their husbands.

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2. The said writ of *ad quod damnum* so to be awarded shall be executed and the inquest there-
2 upon taken, returned and proceeded in, in the manner prescribed by the second and third sections
3 of the act, entitled "an act to amend the act, entitled 'an act to reduce into one the several acts
4 concerning mills, mill-dams and other obstructions to water courses,'" passed March second,
5 eighteen hundred and twenty-six; and the same powers and authority are hereby conferred upon
6 the court to grant or refuse the leave applied for, and the same mode prescribed to pay to the
7 owner or owners of lands the value thereof as well as the damages assessed, and the same rights
8 conferred upon the applicant as well as authority upon the court to lay him under any proper
9 terms and conditions as are recited and prescribed in the fourth and fifth sections of the last
10 recited act.

3. No inquest taken by virtue of this act, and no opinion or judgment of the court thereupon,
2 shall bar any public prosecution or private action, which could have been had or maintained if
3 this act had never passed, other than prosecutions or actions for such injuries as were actually
4 foreseen and estimated upon such inquest.

4. This act shall be in force from the passing thereof.

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[BILL No. 111.]

A BILL

To convert the Loan of one hundred and fifty thousand dollars to the Winchester and Potomac Rail-Road Company into Stock and for other purposes.

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1. *Be it enacted by the general assembly,* That the board of public works be and is hereby autho-
2 rized and required to subscribe on behalf of the commonwealth for the additional stock of one
3 hundred and fifty thousand dollars of the Winchester and Potomac rail-road company authorized
4 by the act passed on the tenth of February eighteen hundred and thirty-five, such subscription to
5 be paid by the one hundred and fifty thousand dollars heretofore loaned by the board of public
6 works on behalf of the commonwealth to the said company, upon this express condition however,,
7 that the said company shall annually pay to the board of public works a dividend of nine thousand
8 dollars (being the interest upon said one hundred and fifty thousand dollars) before the individual
9 stockholders shall receive any dividend; but if the portion of the dividend accruing to the board
10 of public works from the stock of the commonwealth in said company shall exceed the sum of
11 nine thousand dollars annually, then the dividends shall be divided *pro rata* between the board of
12 public works and individual stockholders.

2. *Be it further enacted,* That after the conversion of said loan into stock the board of public
2 works shall appoint four of the directors of the said company, and be entitled to vote for the pre-
3 sident of said company upon the entire stock of two hundred and seventy thousand dollars; and
4 in counting all votes of the company, each stockholder, including the board of public works, shall
5 be allowed one vote for each share not exceeding ten, and one vote for every ten shares above
6 ten held by him at the time.

3. *And be it further enacted,* That the board of public works shall not convert the said loan into
2 stock until the said company shall in general meeting accept of the provisions of this act and di-
3 rect the president and directors to pledge the profits of the said company for the payment of the
4 said sum of nine thousand dollars annually.

4. This act shall be in force from and after the passing thereof.

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[BILL No. 120.]

A BILL

Concerning Western Land Titles.

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1. *Be it enacted by the general assembly*, That the proviso of the fifth section of the act, entitled
2 "an act to amend and explain the laws concerning western land titles, and for other purposes,"
3 passed the fifteenth day of March eighteen hundred and thirty-eight, shall be and the same is
4 hereby repealed.

2. This act shall be in force from the passing thereof.

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[BILL No. 121.]

A BILL

Increasing the Reward for apprehending Runaways in certain cases.

---

1. *Be it enacted by the general assembly,* That any person who shall apprehend any runaway male slave above the age of sixteen years within this state, and within ten miles of the dividing lines between the same and the states of Maryland, Ohio or Pennsylvania, shall be entitled to demand and recover of the owner of every such slave or slaves, for each one so apprehended, the sum of twenty dollars, besides ten cents for every mile of such distance he shall necessarily convey such runaway, instead of the compensation allowed by the first section of the act, entitled "an act to reduce into one act the several acts for apprehending and securing runaways," passed ninth February eighteen hundred and nineteen, to be recovered in the manner prescribed by the said act.

2. This act shall be in force from the passing thereof.

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[BILL No. 123.]

A BILL

To amend an act, entitled "an act for the better organization of the Militia."

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1. *Be it enacted by the general assembly,* That the compensation hereafter allowed to adjutants, or
2 other officers, for enrolling, notifying and mustering companies which have no officers, shall be, in
3 lieu of that now authorized by law, as follows, viz: For enrolling, notifying and mustering a com-
4 pany, and returning lists of delinquents, as required by law, not exceeding two dollars per day:
5 *Provided however,* That not more than eight dollars shall be allowed for enrolling, notifying and
6 mustering any one company, and returning lists of delinquents therefor for any one year: *And*
7 *provided also,* That it shall be the duty of each officer enrolling companies under this act, to return
8 to the court of enquiry for the battalion to which said company or companies may be attached,
9 a muster roll of every company enrolled by him, and said roll shall be preserved by the clerk of
10 said court, and subject to the orders of the colonel.

2. *Be it further enacted,* That so much of the ninety-ninth section of the act passed the eighth
2 March eighteen hundred and thirty-four, entitled, "an act for the better organization of the mili-
3 tia," as authorizes the commandants of regiments to cause to be purchased for each regiment and
4 battalion a stand of colours, shall be, and the same is hereby repealed; and hereafter no such
5 colours shall be furnished to any such regiment or battalion, unless the same shall be called into
6 actual service, in which the governor or executive may order one stand of colours for such regi-
7 ment so called into service, not to exceed in cost thirty dollars.

3. *Be it further enacted,* That so much of the ninety-ninth section of the above recited act as au-
2 thorizes commandants of regiments to procure or cause to be procured drums and fifes for the use
3 of the several companies in their respective regiments, shall be, and the same is hereby repealed:
4 *Provided however,* That such commandants may procure for the use of their respective regiments,

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and the drum and fife majors attached thereto, one drum and fife and no more, which shall not exceed in cost the sum of twelve dollars.

4. *Be it further enacted*, That so much of the sixty-fifth section of the above recited act as provides that where there is more than one regiment in a county, the officers of each regiment shall meet together at the courthouse of the county, at such time as the senior colonel in the county may appoint for the purpose of being trained, shall be, and the same is hereby repealed: and hereafter where there is one or more regiments in a county, the officers of each regiment in said county shall meet together for the purpose of being trained at such place as the regimental court of enquiry of such regiment shall designate; and in case said court shall fail to designate such place, then the commandant of such regiment shall and he is hereby authorized to name such place, the time of training to be appointed by the commandant of said regiment, and the training to be conducted in like manner as if held at the courthouse of said county.

5. *Be it further enacted*, That in order to enable brigadier-generals to comply with the requisitions of the act passed March thirtieth, eighteen hundred and thirty-nine, entitled "an act requiring certain duties of brigadier-generals," it shall be the duty of such brigadier-generals, in the month of February or March in each and every year, to notify the commandants of such regiments as they may intend to review in said year, of such intention, and to indicate the time or times for the mustering of such regiments; and it shall be the duty of the commandants of regiments thus notified so to change or appoint the time for the mustering of their several regiments, as to enable the brigadier-general to review each of such regiments on its respective muster day.

6. This act shall be in force from and after the day of .

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[BILL No. 125.]

A BILL

To authorize an increase of the Capital Stock of the Richmond, Fredericksburg and Potomac Rail-road Company, for the purpose of laying down iron rails, or a more permanent plate rail superstructure on said road.

Whereas it is extremely desirable that the present superstructure of the Richmond, Fredericks-
2 burg and Potomac rail-road should be substituted by one of a more substantial and permanent cha-
3 racter, for which purpose, an increase of the capital stock of the said company will be requisite.

1. *Be it therefore enacted*, That the said company be and they are hereby authorized, whenever
2 they may deem it advisable to do so, to increase the capital stock of the said company in the mode
3 provided in the tenth section of the act of incorporation of the said company, or in such other mode
4 as they may deem more expedient, to the extent requisite for the purpose of laying iron rails, or a
5 more substantial or permanent plate rail superstructure, the whole length of their rail-road from the
6 commencement of the same in the city of Richmond to the proposed termination of the said rail-
7 road at the mouth of Acquia creek: *Provided*, That such increase of capital shall not exceed the
8 sum of six hundred and eighty thousand dollars.

2. *Be it further enacted*, That should the said company not find it practicable, or deem it expedi-
2 ent to increase at one and the same time their capital stock to the extent above authorized, that
3 they be and they are hereby authorized to make such increase at such times as it may appear to
4 them most advisable to do so, and to apply the same to the improvement of the different portions
5 of their rail-road in the order in which it may appear to them most important to improve the same.

3. *Be it further enacted*, That the thirty-seventh section of an act entitled "an act incorporating
2 the stockholders of the Richmond, Fredericksburg and Potomac rail-road company," passed Feb-
3 ruary twenty-fifth, eighteen hundred and thirty-four, be and the same is hereby repealed.

4. This act shall be in force from and after its passage.

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[BILL No. 128.]

A BILL

Concerning the Collection of Rents.

---

1. *Be it enacted by the general assembly*, That in all cases of attachment for rent it shall be law-
2 ful for the tenant to make any defence against the recovery thereof, or to plead any plea to the
3 demand, which could be made or pleaded to an action of debt or covenant for the same rent if it
4 were in arrear and sued for as such; and also to contest the right of the landlord to sue out his
5 attachment; and if it shall be made to appear that the landlord or lessor had not just cause to sus-
6 pect that the tenant would remove his effects from the leased tenement before the rent was to
7 become due, or that for any other cause an attachment should not have issued, judgment shall be
8 entered for the tenant that the attached effects be restored to him with costs; and if it shall appear
9 that a part of the rent claimed be due or becoming due, judgment shall be entered in favour of
10 the claimant for the amount, and an order of sale to satisfy the amount found to be due: *Provided*
11 *however*, That when judgment be awarded to the tenant, such judgment shall in no case operate
12 as a bar to any subsequent attachment for the same rent.

2. *And be it further enacted*, That the second section of the act passed the second of March
2 eighteen hundred and twenty-seven, entitled "an act to amend the act, entitled 'an act to reduce
3 into one the several acts for the better securing the payment of rents, and preventing the fraudu-
4 lent practices of tenants, and to regulate the practice of suing out and prosecuting writs of re-
5 plevin,'" shall be and the same is hereby repealed.

3. This act shall be in force from the passing thereof.

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[BILL No. 133.]

A BILL

To amend the act, entitled "an act prescribing certain general regulations for the incorporation of Turnpike Companies."

---

1. *Be it enacted by the general assembly*, That it shall be lawful for the president and directors
2 of the several turnpike roads within this commonwealth to cause barriers to be placed upon such
3 roads to change the direction of the travelling upon the same. And if any person or persons shall
4 wilfully remove any barrier so placed, or drive any wagon, carriage or other vehicle over the
5 same, he or she so offending shall forfeit and pay the sum of one dollar to the use of the company,
6 to be recovered, with costs, as other penalties are by the "act prescribing certain general regula-
7 tions for the incorporation of turnpike companies," passed February the seventh, eighteen hundred
8 and seventeen: *Provided however*, That nothing herein contained shall be so construed as to au-
9 thorize any such company to prevent a sufficient passage to the travel upon such road.

2. This act shall be in force from the passing thereof.

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[BILL No. 137.]

A BILL

To amend the act, entitled "an act concerning General Elections in this Commonwealth."

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1. *Be it enacted by the general assembly,* That hereafter in all contested elections of members of
2 the general assembly, the following rules of evidence shall govern the parties in such contests, and
3 shall be observed by each house in the decision thereof—that is to say,

4 1. When any person exercising the right of suffrage shall claim such right as a freeholder,
5 reversioner or remainderman, of any land acquired by him by virtue of any contract for the
6 purchase thereof, no evidence of such purchase or contract shall be sufficient to sustain the
7 vote, although the voter may have been six months previous to the election in possession of
8 such land, and although he may have been entitled under the contract of purchase to a deed
9 to such freehold, remainder or reversion, six months prior to said election, unless he shall
10 before voting have obtained a deed legally conveying an estate of freehold, reversion or
11 remainder in fee in said land, or the judgment or decree of some court of competent juris-
12 diction vesting such title in him.

13 2. The land book of the previous year of the county, city, borough or town, in which the
14 election may be held, shall be evidence only as to the fact of the assessment of the land, if
15 an assessment thereof be required by law, and of the value of such assessment.

16 3. If the voter be objected to upon the ground that he is not a free white male, or is not a
17 citizen, or is not a resident of the commonwealth, or is not twenty-one years of age, the
18 burthen of proof to sustain such vote, and to remove such objection, shall be upon the
19 party claiming the benefit of such vote.

20 4. If the voter be objected to, upon the ground that he is of unsound mind, or is a pauper, or
21 is a non-commissioned officer, soldier, seaman or marine, in the service of the United States,

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or has been convicted of an infamous offence, the burthen of proof to sustain such objection shall be upon the party making the same.

5. The burthen of proving the other qualifications required by the constitution, or such of them as shall be sufficient to entitle the voter to exercise the right of suffrage, shall devolve on the party who may have received the vote, if the same be objected to by the other party in the mode now prescribed by law.

6. In setting forth the objections to voters, as required by the forty-first section of the act concerning general elections in this commonwealth, any such incapacity or disqualification as is mentioned in the third and fourth rules herein prescribed, shall be particularly specified and set forth, and the general objection of not being qualified to vote according to the constitution, shall be held to apply to the want of the other qualifications only as mentioned in the fifth rule.

2. This act shall commence and be in force from the passing thereof.

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[BILL No. 138.]

A BILL

Giving jurisdiction to Justices of the Peace in actions of trespass upon real and personal property.

1. *Be it enacted by the general assembly*, That the justices of the peace in the several counties and corporations of this commonwealth shall have and exercise jurisdiction in all actions of trespass upon real and personal property, where the amount of the damages claimed by the plaintiff shall not exceed ten dollars. And the parties shall have the right of appeal from the decision of a justice in any such case, in the same mode and manner as is now prescribed by law in relation to appeals from the decisions of justices of the peace in other cases, when the amount exceeds that sum.

2. This act shall be in force from the passing thereof.

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[BILL No. 146.]

A BILL

To amend the several Acts concerning the Banks.

---

1. *Be it enacted by the general assembly*, That so much of any act as may subject the banks of
2 this state incorporated by law to the forfeiture of their charters for failing or refusing to pay their
3 notes and debts in specie, and to the payment of any damages or interest exceeding six per cent. per
4 annum for such failure, shall be and the same is hereby repealed; and so much as may prohibit
5 them from issuing notes for sums of five and ten dollars, shall be and the same is hereby sus-
6 pended until the first day of April, one thousand eight hundred and forty-one; and if any such bank
7 shall have forfeited its charter by failing or refusing to pay its notes or debts in specie, the for-
8 feiture thereby incurred shall be and the same is hereby remitted, and the charter of the bank with
9 all the rights and powers therein conferred shall be and the same is hereby declared to be in full
10 force and effect, to all intents and purposes: *Provided*, That the power to repeal or modify the
11 charter of any bank which shall after the first day of January eighteen hundred and forty-one fail
12 or refuse to pay its notes or debts in specie, when duly demanded, is hereby expressly reserved to
13 the general assembly: *And provided*, That the amount of any note or debt due from any bank,
14 with legal interest thereon, may be recovered in any of the modes now authorized by law.

2. *And be it further enacted*, That the notes of the banks which are now receivable in payment
2 of debts and taxes due to the commonwealth shall continue to be received, and the deposites of
3 the public revenue shall continue to be made in the Bank of Virginia and Farmers Bank of Vir-
4 ginia, unless the treasurer, with the advice of the executive, shall otherwise direct in respect to
5 such receipts or deposites, or both, in the mode now prescribed by law, in which case it shall be
6 lawful for the treasurer, with the sanction of the executive, to provide for the safekeeping of the
7 public revenues and moneys in the treasury of the state; and thereupon all such moneys shall be
8 paid into and out of the treasury by an auditor's warrant requiring the treasurer to receive or to

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pay the same, without making any deposite thereof in any bank, or drawing a check on any bank, as is now required by law.

3. *And be it further enacted*, That every bank which shall avail itself of the provisions of this act shall make no dividend exceeding six per cent. per annum, unless it shall for one month previously thereto have *bona fide* resumed specie payments; and moreover every such bank shall so regulate its loans and discounts as that the amount of its outstanding debt on the first day of January eighteen hundred and forty-one, unless it shall have so resumed specie payments, shall not exceed the amount thereof as it existed on the first day of January eighteen hundred and forty.

4. *And be it further enacted*, That hereafter the annual meeting of the stockholders of the Farmers Bank of Virginia shall be held on the Wednesdays after the first Tuesdays in January in every year.

5. *And be it further enacted*, That it shall be lawful for the banks to pay in any legal gold coins any notes which they may now be required to pay in American gold coins; and hereafter the oath which is required to be taken by the directors of the several banks not to engage in the purchase of any note or bill which has been rejected by the bank, shall be so modified and changed as that the director shall swear or solemnly affirm that he will not directly nor indirectly discount or purchase at a rate of interest exceeding that which the bank might demand, any note or bill of which the discount has been rejected by the bank or branch of which he is a director; and upon taking such oath the director shall be and is hereby absolved, to all intents and purposes, from the obligation of his former oath.

6. *And be it further enacted*, That no bills or drafts payable at any place within the United States shall be discounted except by order of the board of directors; and whenever the governor shall have received satisfactory information that the greater number of the incorporated banks of the cities of Philadelphia and Baltimore shall have *bona fide* resumed specie payments, it shall be his duty to announce the fact by proclamation, and if any bank in this state shall after the period of one month from the date of such proclamation fail or refuse to pay its notes or debts in specie, every note or debt of which the payment shall thereafter be refused, shall and may be recovered, together with interest at ten per cent. per annum, in any of the modes in which the same may now be recoverable with any other rate of interest.

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7. *And be it further enacted*, That so much of any act or acts as prohibits the Northwestern Bank of Virginia of issuing notes of the denomination of five dollars shall be and the same is hereby repealed: *Provided*, That the legislature may at any time hereafter modify or cancel the power herein given to issue notes of the denomination of five dollars.

8. *And be it further enacted*, That the act, entitled "an act to stay the proceedings on executions and trust deeds and other demands in cases of refusal to receive bank notes," passed the twenty-second day of June eighteen hundred and thirty-seven, shall be and the same is hereby revived and re-enacted, and the same shall continue in full force and effect until the first day of April eighteen hundred and forty-one: *Provided*, That nothing in the said act contained shall be construed to extend to any judgment or decree against any of the banks of this commonwealth.

9. This act shall be in force from the passing thereof.

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[BILL No. 153.]

A BILL

Authorizing the Board of Public Works to appoint Agents in certain cases.

---

1. *Be it enacted by the general assembly,* That the board of public works be and are hereby empowered to appoint agents to examine into the management and condition of any or all joint stock companies in which the commonwealth holds an interest, and to make report thereof to said board whenever, and in the form and manner, required by said board. It shall also be the duty of any such joint stock company, their officers and agents, and they are hereby required, to exhibit their books and accounts to any such agent whenever requested, and to afford him all the assistance and information in their power in making his examinations and reports. The said board may allow such agents, out of the income of the fund for internal improvement, such compensation as they may think reasonable, not exceeding in any case four dollars per day, for the number of days the agent may be actually and necessarily employed in the duties of his appointment, the number of days to be ascertained by the oath of such agent made before any justice of the peace.

2. This act shall be in force from its passage.

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[BILL No. 155.]

A BILL

Amending the Laws concerning Slaves, Free Negroes and Mulattoes.

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1. *Be it enacted and declared by the general assembly,* That so much of the "act amending the
2 laws concerning emancipated slaves, free negroes and mulattoes," passed on the twenty-second
3 March, eighteen hundred and thirty-seven, as relates to the character of the applicants for permis-
4 sion to reside within the county or corporation, shall be construed and held to require of such ap-
5 plicant satisfactory proof, by legal testimony, that he or she is a person of general good character,
6 sober, peaceable, orderly, and industrious. And upon the exhibition of such proof, it shall be lawful
7 for such person to obtain the permission in the said act mentioned, in the manner therein provided.
8 And if any person shall have had any such application heretofore rejected, or shall have one now
9 pending, he or she shall have the benefit of this act, in the consideration of his or her case; and
10 if the same shall have been rejected, it shall be lawful for him or her to make the application a
11 second time, any thing in the said act to the contrary notwithstanding.

2. This act shall be in force from the passing thereof.

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[BILL No. 160.]

A BILL

To amend the act, entitled, "an act to amend the several acts concerning Slaves, Free Negroes and Mulattoes," passed 11th March 1834.

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1. *Be it enacted by the general assembly,* That it shall not be lawful for any free negro or mulatto
2 to migrate or come into this commonwealth from any state or territory of this Union, or from the
3 district of Columbia, for any purpose or pretext whatsoever, either with the view of making a
4 temporary visit, or to acquire a permanent residence, unless it be in the character of a servant,
5 *bona fide* employed and attendant upon his or her master or mistress for the time being—or a
6 mariner engaged in the sea service, *bona fide* employed on board of a steamboat or other vessel,
7 and so remaining constantly with the same, so long as such master, mistress, or steamboat or other
8 vessel may sojourn in the commonwealth, and who shall depart therewith. Any free negro or
9 mulatto who shall come into this commonwealth contrary to this act, shall be liable to the pains
10 and penalties, and be dealt with as prescribed in the *first* section of the act, entitled "an act to
11 amend the several acts concerning slaves, free negroes and mulattoes," passed March the eleventh,
12 eighteen hundred and thirty-four. Any free negro or mulatto within the exceptions aforesaid,
13 who shall be found away from the steamboat or other vessel to which he or she belongs, or from
14 the lodgings of his or her master or employer, unless it be for a short time, on obvious or express
15 business, or with a written permission of his or her employer, shall be liable to the punishment
16 prescribed in the *third* section of the act above cited.

And whereas it is contrary to the laws of this commonwealth, to allow any free negro or
2 mulatto to come into, or remain within this commonwealth, after having been emancipated, it is
3 equally improper to allow any free negro or mulatto, residing out of the commonwealth, to own
4 or control *land* within the same:

2. *Be it therefore enacted,* That it shall not be lawful for any free negro or mulatto, or for any
2 congregation, association or society of free negroes or mulattoes, residing without the limits of
3 this commonwealth, either by themselves, or by and through the agency of any other person or

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persons, body politic or corporate, to own or control *land*, or the rents, issues and profits thereof within this commonwealth, under pain of forfeiting the same to the use of the commonwealth, for the benefit of the literary fund.

3. *Be it further enacted*, That hereafter it shall not be lawful for any congregation, association or society of free negroes or mulattoes, or for any free negro or mulatto whatsoever, to locate or use any grave-yard within two hundred yards of any improved and inhabited premises having a dwelling house thereon, or within two hundred yards of any spring or well of good wholesome or useable water, without the *consent* of the owner, and also of the occupier thereof, first had and obtained in writing, from under the hand and seal of such owner and occupier, and duly attested by one or more credible witnesses; under the penalty of having the same abated as a misance, and forfeiting and paying a fine of not less than dollars, for each offence or interment, recoverable before any of this commonwealth, having jurisdiction of the same, by action of debt, plaint or information, upon ten days notice.

4. *And be it further enacted*, That no free negro or mulatto, whose residence in this commonwealth is allowed by law, shall leave or go beyond the limits of this commonwealth for a longer time than thirty days, (except such as are employed as servants, or mariners engaged in the sea service, or employed on board a steamboat or other vessel, as described in the first section of this act,) unless he or she shall first go before a justice of the peace for the county, or alderman of the town, city or borough wherein he or she may reside at the time, and make declaration of his or her intention to return within days; and also of the place to which he or she intends to go. And if any such free negro or mulatto shall remain abroad longer than such time so specified, and upon his or her return to this commonwealth, fail to produce satisfactory evidence that he or she was detained by sickness or other unavoidable cause, and beyond his or her control, (except such as are *bona fide* employed in the character of servants, or mariners engaged in the sea service, or employed on board a steamboat or other vessel, as described in the first section of this act,) then such free negro or mulatto shall be liable to all the penalties and disabilities to which slaves are liable, who have been emancipated since the first day of May, in the year eighteen hundred and six, and be dealt with accordingly.

5. This act shall commence and be in force from and after the passing thereof.

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[BILL No. 163.]

A BILL

Authorizing additional compensation for the Tuition of Poor Children.

---

1. *Be it enacted by the general assembly,* That the school commissioners of the several counties
2 and corporations in this commonwealth may respectively allow such compensation for tuition of
3 the poor children entered by them at school, as the board of school commissioners of their county
4 or corporation shall authorize, not exceeding, however, in any case, six cents for each day's actual
5 attendance of each child: *Provided,* That no additional compensation allowed by this act, shall be
6 granted to any teacher who is not ascertained, either by examination of a committee of the school
7 commissioners, or in some other satisfactory manner, to possess a fair moral character, and other
8 proper qualifications for conducting a school of respectable grade.

2. This act shall be in force from its passage.

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[BILL No. 164.]

A BILL

Providing for the payment of slaves condemned to transportation under the act concerning the circulation of incendiary publications.

---

1. *Be it enacted by the general assembly,* That if any slave shall be condemned to banishment or
2 transportation by virtue of the "act to suppress the circulation of incendiary publications and for
3 other purposes," passed the twenty-third March, eighteen hundred and thirty-six, such slave shall
4 be valued and paid for, in the following manner, that is to say: The justices who shall condemn
5 such slave, shall value him or her at the cash price for which he or she would, in their opinion,
6 sell at public sale, under a knowledge of his or her guilt; and each magistrate shall state the sum
7 or price at which he values such slave, and the same shall be entered of record; from such valu-
8 ation the auditor shall ascertain the average value of such slave; and three fourths of such ave-
9 rage shall be paid to the owner of the slave by the commonwealth; but the amount so to be paid
10 shall in no case exceed four hundred dollars for a male slave, and three hundred dollars for a fe-
11 male slave, unless the slave when sold for transportation shall sell for more, in which event the
12 owner shall be entitled to a warrant for the whole additional amount for which the slave shall be
13 sold.

2. This act shall be in force from the passing thereof.

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[BILL No. 165.]

A BILL

Authorizing femes covert to maintain suits in their own names when deserted by their husbands.

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1. *Be it enacted by the general assembly*, That when a *feme covert* has been, or may hereafter be, deserted by her husband, she may institute and maintain in her own name, any action at law or in equity, upon any contract, express or implied, made with her, or for any *tort* committed on her, at any period subsequent to such desertion, in the same manner that she could do were she a single woman; and the amount recovered shall be for her sole and separate use and benefit.

2. This act shall be in force from the passing thereof.

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[BILL No. 167.]

A BILL

Authorizing the Confession of Judgments in the Clerk's Office, and for other purposes.

---

1. *Be it enacted by the general assembly,* That it shall be lawful for the defendant in any suit,
2 either at law or in equity, in his proper person, to confess a judgment or decree in the clerk's office
3 of the court in which the same may have been instituted, for the whole amount of the plaintiff's
4 demand, with costs, or for such part thereof as the plaintiff in person or by attorney may be willing
5 to take a judgment or decree for; and every judgment so confessed shall be entered of record
6 among the office judgments of the court, and every such decree shall be entered in the proper
7 order book after the orders of the previous term. Such judgment or decree shall be final, and shall
8 have the same force and effect as judgments or decrees rendered in open court, and executions may
9 be sued out thereupon in the same manner as in other cases. If the defendant shall desire to take
10 the oath of insolvency in order to discharge himself from custody in any such suit, or under any
11 such judgment or decree, it shall be lawful for him to do so in the same manner as is or may be
12 prescribed by law in other cases; but if the defendant, being in custody, shall give to the plaintiff,
13 or in case he shall reside out of the county or corporation in which the suit may be brought, to his
14 attorney employed therein, notice in writing, ten days previously, of the time at which he means to
15 make such confession, he shall be discharged from custody, unless the plaintiff or his attorney shall
16 in person or by an order in writing pray him in custody; and if the defendant shall be in custody
17 under any writ of *ne exeat*, it shall be lawful for the court in which the same may have been al-
18 lowed, or for the judge thereof, if it be a superior court, in vacation, to make an order stating upon
19 what terms, and for what amount, the defendant may be permitted to confess a decree, in order to
20 his taking the oath of insolvency, or to his discharge; and every such defendant, upon making
21 such confession, and complying with any other terms which may have been prescribed as afore-
22 said, may be discharged in the same manner as is herein before provided in relation to persons in

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custody under judgments confessed. All such proceedings shall be entered of record, and shall be attested by the clerk or deputy clerk before whom the judgment or decree shall be confessed; and all orders, notices and other papers relating thereto, shall be duly filed: *Provided*, That every judgment so entered may be corrected by writ of error *coram nobis*, and every decree by bill of review.

2. *And be it further enacted*, That the provision succeeding the forty-first section of the "act to reduce into one the several acts concerning executions, and for the relief of insolvent debtors," passed February twenty-fifth, eighteen hundred and nineteen, and printed in volume 2nd of the Revised Code, appendix 6, ch. 1, shall be and the same is hereby repealed, from and after the first day of June next.

3. *And be it further enacted*, That it shall be lawful for the clerks of the circuit superior courts of law and chancery to enter orders at rules appointing guardians to defend infant defendants in suits depending in the said courts, subject at all times to be set aside by the courts when in session.

4. This act shall be in force from and after the passage thereof.

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[BILL No. 168.]

A BILL

For the relief of the heirs of John A. Trent deceased, and to release the right of the Literary fund in certain cases to forfeited lands.

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1. *Be it enacted by the general assembly,* That the right of the president and directors of the
2 Literary fund to a tract of land lying on the waters of Clear creek in Greenbrier county, of which
3 John A. Trent in his lifetime was possessed in fee, and which he conveyed in eighteen hundred
4 and twenty-four to trustees to secure a debt due to Andrew Beirne, and which has been forfeited
5 to the commonwealth for the benefit of the Literary fund, for non-payment of taxes, shall be, and
6 the same is hereby released to the heirs and devisees of the said Trent; they having in October
7 last, paid the amount of taxes and damages due thereon, up to the year eighteen hundred and
8 thirty inclusive; subject, nevertheless to the provisions of the aforesaid deed for the benefit of the
9 said Andrew Beirne; and subject also, to the payment of the taxes which would have accrued
10 thereon to the commonwealth if the said land had not been forfeited to the Literary fund, together
11 with legal interest thereon until paid: *Provided however,* That the said land shall also be subject
12 to the payment of such reasonable charges and expenses as the superior court of Greenbrier shall
13 allow to the commissioner of delinquent lands for that county for his services and expenses respect-
14 ing the same; for which purpose, and for the payment of the taxes and interest aforesaid, the court
15 shall have the same power to order a sale of the said land, as if this act had never passed.

2. *And be it further enacted,* That in all cases when lands may have been forfeited to the Lite-
2 rary fund for non-payment of taxes, if the owner thereof shall have paid, or shall hereafter pay
3 into the treasury the amount of taxes and damages due thereon before a sale thereof shall have
4 been actually made, the right of the president and directors of the Literary fund to such land shall
5 be released: *Provided,* That the same shall be liable to pay all subsequent taxes which would

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have accrued to the commonwealth, if the same had not been forfeited, together with legal interest thereon; and also, all charges and expenses which the court having jurisdiction thereof may allow to the commissioner of delinquent lands for his services and expenses in respect to the same; for which purposes the court shall have the same power to order a sale as if no taxes had been paid: *And provided also,* That such release shall not be so construed as to affect the rights of any other person whatever acquired under the provisions of any act respecting western lands, or the forfeiture thereof for non-payment of taxes.

3. This act shall be in force from the passing thereof.

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[BILL No. 172.]

A BILL

Concerning the lien of judgments, and limiting proceedings against special bail in certain cases.

---

1. *Be it enacted by the general assembly,* That it shall be the duty of the clerk of every county
2 and corporation court within this commonwealth to keep and constantly to preserve in his office, in
3 well bound books, a judgment docket, in which shall be regularly docketed all such unsatisfied
4 final judgments and decrees of his court, and such forfeited forthcoming bonds, recognizances and
5 other bonds having the force of judgments of record in his court, or on file in his office, as any per-
6 son interested therein shall require him to docket; and all such unsatisfied final judgments and
7 decrees of any other court of record in this commonwealth, and all such forfeited forthcoming
8 bonds, recognizances and other bonds having the force of judgments, of record in such other court,
9 or on file in the clerk's office thereof, as any person interested therein shall desire to have docketed,
10 and of which an authenticated abstract shall be delivered to him for that purpose. In such docket
11 there shall be plainly set down in separate columns, the date when each judgment or decree, bond
12 or recognizance was docketed; the date of such judgment, decree, bond or recognizance; the
13 names, description and residence of the parties, so far as they can be ascertained from the record;
14 the debt, damages, interest and costs appearing in each case; and the amount and date of credits,
15 if any; and for the purpose of more convenient reference, there shall be made and preserved in
16 the same books a plain and accurate index of all judgments, decrees, bonds and recognizances
17 docketed; and every judgment shall in the said index be set down in the alphabetical order of the
18 names of the debtors. For docketing each judgment, decree, bond or recognizance, the clerk
19 shall be allowed a fee of twenty-five cents, to be paid by the party requiring the service.

2. *And be it further enacted,* That if any clerk shall fail to docket, without delay, in the manner
2 herein provided, any judgment or decree, bond or recognizance, which he shall be required to

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docket, and of which an authenticated abstract shall be delivered to him to be docketed as aforesaid, or shall fail to make and preserve the index hereby required of him, he shall be liable to the action of the party aggrieved for such damages as he may sustain thereby and costs.

3. *And be it further enacted*, That after the day of , in the present year, no judgment or decree of any court within this commonwealth, whensoever rendered, and no forthcoming bond or recognizance, or other bond having the force of a judgment, whensoever executed or acknowledged, shall bind the land of any party to such judgment, decree, bond or recognizance against a *bona fide* purchaser for valuable consideration without notice, except only from the time when such judgment, decree, bond or recognizance shall be docketed in the county or corporation in which such land may be, and except also as hereinafter provided; nor shall any such judgment, decree, bond or recognizance against a deceased person have any preference in the administration of the assets in the hands of his executor or administrator, heir or devisee, except only from the time when it shall have been docketed in the manner aforesaid, in the county or corporation in which such executor or administrator, heir or devisee may reside, unless such executor, administrator, heir or devisee, at the time when he shall voluntarily disburse the assets of his testator or intestate, or when recovery shall be had against him in favour of a creditor of inferior dignity, shall have actual notice of such judgment, decree, bond or recognizance. Neither shall any such judgment, decree, bond or recognizance, from and after the expiration of from the time when it shall have been so docketed, have any preference in the administration of assets in the hands of an executor, administrator, heir or devisee, without notice thereof in writing; and every judgment and decree of any court of record in this state, whether docketed as aforesaid or not, shall bind the real estate of the debtor as heretofore, from the first day of the term at which it was rendered, for the space of three months, after the expiration of which, unless the same shall have been docketed as aforesaid, or a writ of *elegit* shall have been issued thereon, it shall not bind any lands in the possession of a *bona fide* purchaser for valuable consideration, except only from the time when it shall have been docketed, or from the date of the *elegit;* nor shall any judgment or decree bind the lands of a debtor against any *bona fide* purchaser for valuable consideration after the period of three years from the time when the same was docketed, or after the return day of

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the *elegit*, unless the same be levied. And the lands of no security in any forthcoming bond shall be bound thereby until a judgment shall be rendered against him on such bond: *Provided*, That nothing in this act contained shall be construed to apply to recognizances in favour of the commonwealth, which shall continue to have the same force and effect as if this act had never passed.

4. *And be it further enacted*, That no writ of *scire facias* shall be sued out against any person who may hereafter become the special bail in any civil action, after the expiration of from the day on which the judgment was rendered against the principal, unless a *supersedeas* or injunction shall have been granted to the judgment, or unless the plaintiff may have died, in which cases the further time of shall be allowed from the affirmance of the judgment, or the dissolution of the injunction, or the qualification of an executor or administrator, as the case may be, within which such *scire facias* may be sued out; and if any writ of *scire facias* shall issue contrary to the provisions of this act, it shall be lawful for the court to quash the same on motion, or the defendant may plead this act in bar.

5. This act shall be in force from

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[BILL No. 175.]

A BILL

To amend the act, entitled "an act to establish the Bank of Kanawha."

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1. *Be it enacted by the general assembly*, That it shall be lawful for the stockholders of the Bank
2 of Kanawha, so soon as the capital of three hundred thousand dollars shall have been subscribed
3 and paid according to the provisions of the act, entitled "an act to establish the Bank of Kanawha,"
4 passed April the fourth, eighteen hundred and thirty-nine, to locate said bank either at Charleston
5 in the county of Kanawha, or in said county, as may seem most fit to a majority
6 of said stockholders.

2. This act shall be in force from the passing thereof.

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[BILL No. 182.]

A BILL

To amend the several acts concerning the Solemnization of Marriages.

---

1. *Be it enacted by the general assembly,* That all publications of the banns of matrimony in this
2 state shall be made on three several days, and in not less time than two weeks, in open and public
3 assemblies convened for religious worship, or other lawful purposes within the bounds of the re-
4 spective congregations, or militia companies, in which the parties may severally reside.

2. *And be it further enacted,* That if any minister authorized to celebrate the rites of matrimony
2 shall be ejected from office by the church to which he belongs, it shall be lawful for the court
3 which may have granted him a testimonial for the purpose aforesaid, to revoke such testimonial:
4 *Provided,* That no such order of revocation shall be made unless such minister shall have been
5 summoned ten days previously to shew cause against the same.

3. *And be it further enacted,* That it shall be lawful for the court of any county, a majority of
2 the acting justices being present, or having been summoned for the purpose, to appoint as many
3 persons as may be deemed necessary to celebrate the rites of matrimony within the limits of such
4 county, agreeably to the provisions of the act, entitled "an act authorizing the appointment of com-
5 missioners to celebrate the rites of marriage," passed December twentieth, eighteen hundred and
6 thirty; and the testimonials of persons so appointed may be revoked in the same manner as those
7 of ministers ejected by their churches.

4. This act shall be in force from the passing thereof.

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[BILL No. 189.]

A BILL

To amend the "act reducing into one the several acts concerning Slaves, Free Negroes and Mulattoes."

---

1. *Be it enacted by the general assembly,* That so much of the nineteenth section of the act, enti-
2 tled "an act reducing into one the several acts concerning slaves, free negroes and mulattoes,"
3 passed March second, eighteen hundred and nineteen, as fixes the pecuniary penalty and forfeiture
4 at the sum of twenty dollars, and so much of the twentieth section of the said act as fixes the
5 additional penalty at ten dollars for the offences therein mentioned, be and the same are hereby so
6 altered and amended as to make the said penalty in the nineteenth section not less than five nor
7 more than twenty dollars, and that in the twentieth section not less than five nor more than ten
8 dollars, to be fixed at the discretion of the justice of the peace before whom the same shall be
9 sued for according to the provisions of the said sections.

2. If any person shall hereafter secrete, or aid in secreting, any slave, free negro or mulatto, or
2 send or aid in sending any slave, free negro or mulatto out of the county in which he or she shall
3 have committed any offence, to any place without this commonwealth, so that the said slave, free
4 negro or mulatto cannot be apprehended and tried for such offence, upon conviction thereof before
5 any justice of the peace, he or she shall forfeit and pay not less than five nor more than twenty
6 dollars, recoverable before said justice, the said forfeiture to be for the use of the overseers of the
7 poor of the county or corporation where the offence shall be committed.

3. No appeal shall be allowed on any judgment of a justice of the peace for any penalty or fine
2 incurred by violating any of the laws of this commonwealth relative to slaves, free negroes or mu-
3 lattoes, where the amount of the judgment for such penalty or fine shall not, as in civil actions,
4 exceed ten dollars, exclusive of costs.

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4. Doubts having arisen whether some of the laws of this commonwealth relative to dealing with slaves have not been virtually repealed by subsequent acts of assembly providing for prosecutions before other tribunals: *Be it therefore enacted*, That all the provisions of the act of which this is an amendment, in any way relative to the dealing with or receiving from slaves, free negroes and mulattoes, or otherwise providing for their restraint and police, except so far as altered and amended by this act, ever have been and shall remain in full force and effect; and that all the aforesaid act, and all other acts of a like nature, since passed, are hereby declared to be in full force, unless specially and by title repealed or amended. And wherever different modes are prescribed in different acts for prosecuting similar offences, or provisions made for prosecuting before different tribunals the same or similar offences: *It is hereby declared*, That it was not and is not the intention of the general assembly that such subsequent acts shall be in any way construed to repeal the previous laws on that subject, or bar prosecutions under them, but they shall only be taken and considered as additional and cumulative thereto; the option being left to the party prosecuting, before which tribunal, and under which act, he will institute proceedings; but having made his election, an acquittal or a conviction under it shall bar any further prosecution for the same offence, unless otherwise specially declared by the act under which he has so prosecuted.

5. This act shall be in force from and after the passage thereof.

[BILL No. 190.]

A BILL

For the Support and Education of Poor Girls within this Commonwealth.

---

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the overseers of the poor and the school commissioners in any county in this commonwealth, to pay to the managers of the Female orphan asylum at Fredericksburg, for the support and education of such poor girls from each of their counties as shall, with their approbation, be placed in that institution, such amount as they now are or may hereafter be allowed by law respectively to apply to the support and education of such poor girls within their counties.

2. This act shall be in force from its passage.

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[BILL No. 199.]

A BILL

Directing the Suspension of Surveys.

---

1. *Be it enacted by the general assembly,* That the further prosecution of all surveys, examina-
2 tions and locations, authorized by act of assembly, or by joint resolution, to be made by the prin-
3 cipal or any other engineer, at the public expense, shall be, and are hereby directed to be suspen-
4 ded until otherwise provided by law.

2. *Be it further enacted,* That when any act incorporating a company to construct a rail-road,
2 turnpike road, canal, or other improvement, shall have expired, the revival of such act shall not
3 be construed to authorize the survey, examination, or location, at the expense of the state, of the
4 improvement contemplated by such act, unless it be expressly directed in the act reviving the
5 same.

3. This act shall be in force from its passage.

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[BILL No. 204.]

A BILL

To authorize the Bank of Virginia to establish an agency in the Town of Scottsville.

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1. *Be it enacted by the general assembly,* That it shall be lawful for the Bank of Virginia, with the assent of the stockholders of said bank given in general meeting of said stockholders called for the purpose, after a notice of two weeks in the newspapers published in the city of Richmond, to establish in the town of Scottsville in the county of Albemarle, an agency of said bank, with a capital not exceeding one hundred thousand dollars, to be made up from the increased capital of said bank, which is authorized by the fourth section of the act, entitled "an act to repeal and amend certain acts respecting the banks of this commonwealth," passed April fourth, eighteen hundred and thirty-nine.

2. *And be it further enacted,* That the agency of the Bank of Virginia authorized by the first section of this act shall be regulated and governed by such rules as shall be prescribed by the stockholders of said bank in general meeting.

3. *And be it further enacted,* That all notes or bills negotiable at the said agency shall be, and they are hereby placed upon the same footing as notes or bills negotiable at the said Bank of Virginia, or either of its offices of discount and deposite.

4. This act shall be in force from the passing thereof.

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[BILL No. 205.]

A BILL

Amending the act concerning Commissions on Sales made under Decrees in Chancery.

---

1. *Be it enacted by the general assembly,* That the courts of this commonwealth in construing the act passed on the twenty-first day of March eighteen hundred and thirty-six, entitled "an act regulating the commissions on sales made under decrees in chancery, and for other purposes," shall in no case allow any greater commission on any sale made under a decree in chancery, including the collection and paying over the proceeds thereof, than is allowed by the before recited act. And if in any case a sale shall be made by one commissioner, or other officer, and the collection and paying over the proceeds thereof be made by another commissioner, or other officer, it shall be the duty of the court rendering the decree under which the sale and collection may have been made to divide and apportion the commission between the commissioners and other officers executing the decree or decrees as shall be deemed equitable and just.

2. This act shall be in force from the passing thereof.

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[BILL No. 231.]

A BILL

To amend the several acts concerning the Court of Appeals, and the taking and trying appeals in chancery cases, and for other purposes.

---

1. *Be it enacted by the general assembly,* That it shall be lawful for the judges of the court of
2 appeals when sitting both in Richmond and Lewisburg, to assign two of their number to hold an
3 equity chamber of the court for the trial of all appeals in chancery suits, which in their opinion may
4 be properly tried by two judges. And the other three judges, or any two of them, shall consti-
5 tute a quorum, and may at the same time hold the court for the trial of all other causes; but when-
6 ever, in their opinion, it may be necessary to settle any question of conflicting jurisdiction be-
7 tween the courts of law and equity, or any other question of novelty or difficulty and importance,
8 the court shall be constituted as is at present required by law. If the judges either in the equity
9 chamber, or in the court when composed of two only, shall be equally divided in opinion about the
10 decision of any cause, the same shall be placed among the causes to be tried by a court as at pre-
11 sent constituted. A separate order book shall be kept for the equity chamber of the court; and
12 all orders, decrees and proceedings of the judges thereof, shall be entered in the same, and shall
13 have the same force and effect as if made by the whole court. And the other order book shall
14 be kept as at present. The present clerks and other officers of the courts in Richmond and in
15 Lewisburg shall be *ex-officio* clerks and officers of each of the equity chambers of the courts re-
16 spectively; and the records and papers thereof shall be preserved in all respects as other records
17 of the court; and copies thereof, when required, shall be attested by the said clerks respectively
18 as records of the court of appeals.

2. *And be it further enacted,* That when any party shall desire to obtain an appeal from any de-
2 cree or order of any circuit superior court of law and chancery, made in any chancery suit, it shall
3 be lawful for him either at the hearing of the cause, or at any time within twelve months there-

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after, to require the court, or the judge thereof in vacation, to state and certify all the facts which in the opinion of the judge, may be legally proved by the depositions in the case, and every such certificate shall be signed by the judge and shall be filed among the papers, and taken to be a part of the record of the case; and such certificate shall in the court of appeals be deemed to be the evidence in the cause, instead of the depositions, which in no case hereafter decided in any circuit superior court of law and chancery, shall constitute a part of the record. Saving, however, to infants, *femes covert*, and persons *non compos mentis*, a further time of twelve months after his or her disability shall be removed, for obtaining such certificate.

3. *And be it further enacted*, That every decree of a circuit superior court of law and chancery as to matters of account, shall be deemed and taken to be correct, unless some error therein be set forth and shewn by bill of exceptions to the opinion of the court, to be signed and sealed by the judge, as is customary in the trial of actions at law; and the accounts and commissioner's reports in the cause, except such portions as may be inserted in the bill of exceptions, shall not be copied in the record of appeal.

4. *And be it further enacted*, That hereafter no appeal shall be granted to the court of appeals, unless the matter in controversy, at the date of the judgment or decree, exclusive of costs, shall be equal to three hundred dollars, or nine thousand pounds of tobacco, or be a freehold or franchise; or unless such freehold or franchise, or the title or bounds of land shall be drawn in question; or unless in chancery cases, where lands, slaves, or other specific property shall be the subject of the decree or order; and in all judgments on penal obligations, the sum by which the judgment at its date may be discharged, and not the penalty, shall be the measure of the jurisdiction.

5. *And be it further enacted*, That no judgment or decree of any circuit superior court of law and chancery shall be reversed in the court of appeals for any omission or error in the proceedings, judgment or decree in any matter which does not satisfactorily appear to have been actually passed upon and adjudicated by such court; but the party considering himself aggrieved thereby, may sue out a writ of error *coram nobis*, or supersedeas, or obtain a rehearing in the nature of an appeal from the judge of the same court, upon a petition for that purpose; whereupon the like

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proceedings shall be had before the said court as would have been had if such appeal, writ of error or supersedeas had been awarded as heretofore by the court of appeals. And from the judgment of the said court refusing an appeal, writ of error or supersedeas, and from its judgment upon the same, if granted, either party may apply for an appeal, writ of error or supersedeas to the court of appeals, as in other cases.

6. *And be it further enacted*, That no objection to the jurisdiction of a court of equity, on the ground that the remedy of the plaintiff was in the courts of law, shall avail the defendant, unless such objection be made by demurrer or plea to the jurisdiction; nor shall any want of jurisdiction be assigned in the court of appeals for error in any case, unless such objection shall have been made in the court below, and have been overruled therein.

7. This act shall commence and be in force from and after the

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[BILL No. 226.]

A BILL

To amend the several acts concerning the Portsmouth and Roanoke Rail-Road Company.

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1. *Be it enacted by the general assembly*, That it shall and may be lawful for the president and
2 directors of the Portsmouth and Roanoke rail-road company to sell, in shares of fifty dollars each,
3 from time to time, so much of the capital stock of said company authorized to be increased by an
4 act of the twentieth of March eighteen hundred and thirty-nine, as may not have been subscribed
5 for at the passage of this act, with a guarantee on the part of said company for the payment to the
6 purchaser or purchasers of said increased capital stock, of six per centum per annum on each share,
7 to be paid at the company's office semi-annually, on the first day of January and July in each year.
8 To secure to the holders of said new stock the payment of said dividend or interest, the profits
9 and the stock of the said company shall be and the same are hereby pledged. And if at any time
10 hereafter the dividends or profits on the whole capital stock of the company shall exceed six per
11 centum per annum, such excess shall be divided between the old and new stockholders, according
12 to the respective shares of each: *Provided however*, That no such guarantee or pledge shall be
13 given, until the stockholders, in a general meeting convened after ten days notice, shall have ex-
14 pressed their assent by the concurrence of three fourths of the votes of all the stockholders in said
15 company: *And provided moreover*, That the said president and directors shall have the right at any
16 time within ten years from the sale of such new stock, to cancel the same, upon payment to the
17 holders thereof the par value of such stock, with all interest or dividends then due. But until such
18 payment, such stock shall be held upon like terms in all respects with the original capital, except
19 so far as is herein otherwise provided.

2. *Be it further enacted*, That if the said president and directors shall fail to pay the interest or
2 dividend on any share or shares of said new stock, after it shall have become due, and payment

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thereof shall have been demanded at the office of the company, the amount thereof may be recovered by warrant before any justice of the peace of Norfolk county, upon five days notice to the president or any director, or the treasurer of the company, if such amount does not exceed twenty dollars, and if it exceed that amount it may be recovered by motion, upon like notice, before the county or circuit superior court of law and chancery for said county.

3. *Be it further enacted*, That the president and directors of the Portsmouth and Roanoke rail-road company, with the consent of a majority of the stockholders of said company, in general meeting assembled, shall be and they are hereby authorized to sell at public auction, or otherwise, a certain piece of land, containing one hundred and sixty acres, belonging to said company and situated in the county of Northampton in the state of North Carolina, and to appropriate the money arising from the sale of said land towards the payment of the debts of said company; and the right of the commonwealth to the said land under a mortgage from the said company shall be and the same is hereby released.

And whereas by an act passed the eighth of April eighteen hundred and thirty-nine, entitled "an act releasing to the Portsmouth and Roanoke rail-road company a wharf in the town of Portsmouth," authority was given to said company to sell their property in Portsmouth known as Weston's wharf, upon condition of their executing a mortgage upon one moiety of the Weldon toll bridge, to secure the commonwealth against loss in consequence of such release, which wharf was sold for ten thousand dollars, and the mortgage executed accordingly:

4. *Be it therefore enacted*, That upon the payment to the board of public works by the said company of the amount for which said wharf was sold, the said board is hereby authorized to execute to said company a release of the mortgage executed by the said company in conformity to the said act of the eighth April eighteen hundred and thirty-nine aforesaid.

5. *Be it further enacted*, That it shall be lawful for the Portsmouth and Roanoke rail-road company, the Petersburg rail-road company, and the Greensville and Roanoke rail-road company, to charge at the rate of twelve and a half cents per ton per mile for all freight transported on the said roads respectively, and eight cents per mile for all passengers carried thereon: *Provided*, That no greater charge than is now authorized by law shall be made for the transportation of

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lime and gypsum: *Provided, however,* That nothing herein contained shall be so construed as to affect or repeal the act of the fifth March eighteen hundred and thirty-eight, authorizing a change in the mode of charging tolls on the Portsmouth and Roanoke rail-road; which said act is hereby declared to be in full force and operation: *And provided also,* That the legislature reserves to itself the power of repealing this section at pleasure.

6. This act shall be in force from its passage.

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[BILL No. 256.]

A BILL

Imposing Taxes for the Support of Government.

---

1. *Be it enacted by the general assembly*, That the public taxes for the year eighteen hundred
2 and forty, shall be as follows, to wit: On lands, (except such as are exempted by law from tax-
3 ation,) for every hundred dollars value thereof, (agreeably to the "act for arranging the counties
4 into districts for the election of senators, and for equalizing the land tax," passed February the
5 eighteenth, in the year eighteen hundred and seventeen, and the "act further to amend and ex-
6 plain the act, entitled 'an act for arranging the counties into districts for the election of senators,
7 and for equalizing the land tax,'" passed March the first, in the year eighteen hundred and nine-
8 teen,) twelve and an half cents; for all houses and lots in any city, borough or town, (except such
9 as are exempted by law from taxation,) three dollars and twenty-five cents for every hundred dol-
10 lars yearly rent or annual value thereof; for all houses and lots in any city, borough or town, (ex-
11 cept such as are exempted by law from taxation,) improved, and not rented or occupied, and for
12 all unimproved lots as aforesaid, fifteen cents for every hundred dollars value thereof, agreeably
13 to the above cited acts for arranging the counties into districts for the election of senators, and for
14 equalizing the land tax; for every slave above the age of twelve years, (except such as have been
15 or may be exempted in consequence of age or infirmity, by the respective county and corporation
16 courts,) forty cents; for every stallion or jackass, twice the price at which such stallion or jackass
17 covers a mare by the season, and when the services of such stallion or jackass is charged for, not
18 in money, but in provisions or other commodities of value, then twice the alternative value of such
19 property in money, such value to be fixed by the commissioner of the revenue; for all other horses,
20 mares, asses, mules and colts, twelve and an half cents each; for every riding or pleasure carriage,
21 stage coach, jersey wagon or carryall, and harness belonging thereto, one and a fourth per centum
22 on the value thereof, to be ascertained by the commissioner of the revenue in the manner pre-

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scribed by law: *Provided*, That not less than two dollars shall be paid on each four wheel riding or pleasure carriage, stage coach and harness; and not less than one dollar on each jersey wagon or carryall and harness; and not less than fifty cents on each two wheel riding or pleasure carriage and harness.

2. There shall also be levied, collected and paid, in the manner prescribed by law, the following taxes, to wit: for each writ or declaration in ejectment, or other process instituting a suit in a superior court of law, one dollar; for each subpœna in a superior court of chancery, one dollar; for each writ of error, *supersedeas* and *habeas corpus cum causa*, filing record of appeal or appeals to a superior court of law or chancery; and for each writ of *certiorari* issuing from the general court or superior court of law or chancery, two dollars; for each appeal from a superior court of law and chancery to the court of appeals, and for each *supersedeas* or writ of error issuing from the court of appeals, three dollars; for each writ or declaration in ejectment, or subpœna instituting a suit in any county or corporation court, seventy-five cents; for each certificate under the seal of any superior or inferior court of law or chancery, (except such as are exempted by law from taxation,) one dollar and fifty cents; for every transfer of a surveyor's certificate in the register's office, two dollars; for every attestation, protestation, or other instrument of publication by a notary public under his seal of office, one dollar and seventy-five cents; for every certificate under the seal of the commonwealth, two dollars and fifty cents.

3. There shall be levied, collected and paid, on the several licenses hereinafter mentioned, to be granted in the manner prescribed by law, the following taxes, to wit: on every ordinary license, or license to keep a house of public entertainment, a tax of not less than eighteen dollars, and if the yearly rent or annual value of such ordinary or house of public entertainment (to be ascertained by the commissioner of the revenue in the manner prescribed by law,) shall exceed one hundred and fifty dollars, an additional tax, at the rate of ten per centum, on such excess of yearly rent or annual value; on every license to keep a house of private entertainment, a tax of not less than five dollars, and if the yearly rent or annual value of such house of private entertainment (to be ascertained by the commissioner of the revenue in the manner prescribed by law,) shall exceed fifty dollars, an additional tax, at the rate of seven and an half per centum, on such excess of

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yearly rent or annual value; on every license for selling goods, wares, merchandize, and other articles of foreign or domestic growth, production or manufacture, or both, or either, at the same place, to a wholesale merchant seventy-five dollars, and to a retail merchant twenty-five dollars; on every license to a vendue master, where the operations of said vendue master are carried on in any city, town or borough in which the population exceeds two thousand, the sum of eighty dollars; and where said vendue master's operations are carried on in any city, town or borough where the population is less than two thousand, or where the operations are carried on out of any city, town or borough, the sum of twenty dollars; on every license to a broker, two hundred dollars; on every license to sell foreign lottery tickets, and lottery tickets in lotteries authorized by the laws of this commonwealth, in each city, town, borough or county, one thousand dollars; on every license to sell lottery tickets in such lotteries only as are authorized by the laws of this commonwealth, in each city, town, borough or county, two hundred dollars; on every license to a hawker or pedlar to sell or barter goods, wares, merchandize, and other articles of foreign or domestic growth, production or manufacture, (except the article of clocks,) in each county or corporation where he or she shall sell or barter any of the aforesaid articles, thirty-five dollars; on every license to a hawker or pedlar dealing in tin and pewter only, in each county or corporation where he or she shall trade, fifteen dollars; on every license to a hawker or pedlar dealing either wholly or partly in clocks, in every county or corporation where he or she shall trade, one hundred dollars; on every license to an exhibitor of a public show, fifty dollars in each county or corporation where the same shall be exhibited.

4. *Be it further enacted*, That all clocks which shall be offered for sale by a hawker or pedlar shall be deemed to have been manufactured *without* the limits of this commonwealth, and be liable to taxation, unless the commissioner of the revenue or other revenue officer, within whose district such clocks shall be so offered for sale shall be fully satisfied that the same were *bona fide* of the manufacture of this state.

5. This act shall commence and be in force from and after the passing thereof.

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[BILL No. 257.]

A BILL

Concerning the Public Armory.

Whereas, the common hall of the city of Richmond has granted permission for the use of water from the city water works, for the extinguishment of fire only, at the armory, provided the commonwealth will lay down a four inch pipe, subject to be tapped for private supplies as the watering committee may deem expedient, and also subject to such restrictions as the hall, or the watering committee, shall prescribe for the purpose of practising with the hose; the work to be done by the superintendent of the water works at the expense of the commonwealth:

1. *Be it therefore enacted by the general assembly,* That the superintendent of the public armory be and he is hereby authorized and required, as soon as practicable after the passage of this act to contract with the superintendent of the water works of the city of Richmond, for the purpose of having conducted, in iron pipes of four inches calibre, to be laid a suitable distance below the surface, the water, for the purposes set forth in the preamble, from the northwest corner of the public warehouse, along B street, to the margin of the James river and Kanawha canal, thence along the margin of the canal to and along the whole front of the armory, with a fire plug at each corner of the same, and from the proper point to continue the line of pipes as aforesaid under the door way to the centre, as near as may be convenient, of the area of the armory, and from that point in a transverse line the extent of the area with a fire plug at each end.

2. *Be it further enacted,* That when the work herein required to be done shall have been completed, it shall be the duty of the said superintendent of the armory to make a report to the executive, and if the same be approved, the expenses attending the execution thereof shall be paid by warrant of the auditor of public accounts upon the treasurer, and the sum of seventeen hundred and fifty dollars is hereby appropriated for the same.

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3. *Be it further enacted*, That the governor of the commonwealth be and he is hereby authorized to cause the two rooms in the armory immediately adjoining the quarters of the superintendent, on the east side thereof, to be repaired and fitted up and assigned to said superintendent for the accommodation of himself and family, in addition to his present quarters, the cost of said repair and fitting up to be paid by warrant of the auditor of public accounts upon the treasurer, and the sum of dollars is hereby appropriated for the same.

4. *Be it further enacted*, That the governor be and he is hereby authorized to cause the breach in the culvert conveying the water to the boring mill to be repaired, the cost thereof to be paid in like manner as aforesaid, and the sum of dollars is hereby appropriated for the same.

5. *Be it further enacted*, That the several sums of money herein appropriated shall be paid out of any money in the treasury not otherwise appropriated.

6. This act shall commence and be in force from its passage.

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[BILL No. 259.]

A BILL

Appropriating the Public Revenue.

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1. *Be it enacted by the general assembly,* That the taxes and arrears of taxes due prior to the
2 first day of October last, and not otherwise appropriated, and all other branches of revenue,
3 and all public moneys not otherwise appropriated by law, which shall come into the public
4 treasury prior to the first day of October next, and the surplus of all appropriations hereto-
5 fore made, shall constitute a general fund, and be appropriated as follows, to wit: To the expenses
6 of the general assembly, ninety-six thousand dollars; to the salaries and allowances of the officers
7 of civil government, eighty thousand dollars; to the commissioners of the revenue, and clerks for
8 examining commissioners' books, thirty-two thousand dollars; to defray criminal charges, including
9 the expense of guarding jails, thirty-eight thousand dollars; to pay the interest on certain certi-
10 ficates of public debt, viz: for one year on seven per cent. debt due the literary fund, twenty-two
11 thousand three hundred and thirty dollars; half a year's interest unpaid on the first of October last,
12 but chargeable on the present fiscal year, eleven thousand one hundred and sixty-five dollars; one
13 year's interest on six per cent. debt held by the literary fund, one thousand four hundred and forty-
14 two dollars thirty-five cents; one year's interest on two hundred and fifty thousand dollars of five per
15 cent. stock subscribed to the Chesapeake and Ohio canal company, created by the act passed on the
16 twentieth of February eighteen hundred and thirty-three, twelve thousand five hundred dollars;
17 the amount of interest on said debt unpaid on the first of October last, three hundred and seventy-
18 five dollars; the interest on two hundred and ninety-eight thousand seven hundred dollars certifi-
19 cates issued to pay commonwealth's subscription to the stock of the Exchange bank, seventeen
20 thousand nine hundred and twenty-two dollars; a balance chargeable on the fiscal year remaining
21 unpaid on the first of October last, thirty-nine dollars and three cents; interest on eighty-eight

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thousand five hundred and ninety-two dollars, certificates issued to pay commonwealth's subscription to the stock of the Northwestern bank, five thousand three hundred and fifteen dollars and fifty-two cents; to pay contingent expenses of courts, including allowances to clerks, attorneys, sheriffs and jailors, twenty-seven thousand dollars; to the payment of pensions allowed by law, one thousand six hundred dollars; as a civil contingent fund, ten thousand dollars; to militia establishment, including services of clerks of courts of enquiry, adjutants, sergeant majors, provosts martial and expresses, and for the purchase of colours, horns, drums, fifes, and the pay of musicians, where the fines of the regiment are insufficient, and also including the pay of the adjutant general, twenty-seven thousand dollars; to the internal charges of the penitentiary house, six thousand dollars; to the penitentiary officers' salaries, eight thousand two hundred dollars; to the transportation of convicts to the penitentiary, six thousand dollars; to the public guard in the city of Richmond, twenty-two thousand dollars; for slaves executed and transported, thirteen thousand dollars; to expense of representation to congress and state senate, five hundred dollars; to public warehouses, including pay of superintendents and repairs, one thousand five hundred dollars: to civil prosecutions, including clerks', sheriffs' and marshals' fees, three hundred dollars; to the expenses of the guard at Lexington arsenal to pay outstanding claims, two thousand four hundred dollars; for the collection and transportation of arms, three hundred dollars; as a military contingent fund, including claims for services during the last war, one thousand dollars; for the support of the Western lunatic hospital, a sum equal to the balance remaining after deducting the value of the clothing furnished the said hospital at the penitentiary during the year ending the thirtieth of September last, from the sum of seventeen thousand dollars; for the support of the lunatic hospital at Williamsburg, a sum equal to the balance remaining, after deducting the value of the clothing furnished the said hospital at the penitentiary, during the year ending the thirtieth of September last, from the sum of sixteen thousand dollars; to the manufactory of arms, for rent of water from the James river company, one thousand nine hundred and twenty dollars; for the transportation and maintenance of lunatics confined in the county jails, seven thousand dollars; for reports of decisions in the court of appeals and general court, four thousand seven hundred dollars; for the payment of artificers at the armory, three thousand five hundred dollars; to the vaccine agent

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five hundred dollars; for the construction of public roads, twenty thousand dollars; military school at Lexington, six thousand dollars; to defray the expenses on the re-assessment of lands, fifty thousand dollars; repairs and improvements to the hall of the house of delegates and interior of the capitol, one thousand two hundred and seventy-five dollars; to pay an allowance to the auditor of public accounts, as a compensation for extra services in revising, compiling and preparing the several bills in relation to the revenue laws and other subjects, two hundred and fifty dollars; to the temporary clerk employed by the committee on banks, the same compensation as is allowed by law to the clerks of the standing committees.

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2. *Be it further enacted*, That should the exigencies of the commonwealth, in the opinion of the executive require it, he shall and is hereby authorized and required, under the advice of the council of state, to direct the treasurer of the commonwealth to resort to a temporary loan to meet such exigencies, and that such loan be paid out of the first receipts into the treasury for the present fiscal year.

3. *Be it further enacted*, That so much of the public revenue, and all other moneys not otherwise appropriated by law, as may be received into the public treasury after the thirtieth day of September next, and the surplus of all other appropriations heretofore made, shall constitute a general fund to defray such expenses authorized by law as are not herein particularly provided for, and to defray the current and other expenses of the commonwealth in the fiscal year which will commence on the first day of October next and terminate on the thirtieth day of September one thousand eight hundred and forty-one; and the auditor of public accounts is hereby authorized and required to issue his warrants in the same manner as if the sums had been specifically mentioned, subject to such exceptions, limitations and conditions, as the general assembly may prescribe by law.

4. *Be it further enacted*, That if the revenue of the fund for internal improvement shall at any time be insufficient to meet the payment of the interest charged on the said fund, as it shall become due, upon loans obtained for the purposes of internal improvement, under existing or future acts of the general assembly, such interest shall be paid out of any money in the treasury not otherwise appropriated; and the auditor of public accounts is hereby authorized and required, upon the receipt of the order or orders of the board of public works, certifying the fact of such insufficiency in the funds of the said board, to issue his warrant or warrants in their favour for the necessary sum or sums, which shall be deposited in the treasury to the credit of the fund for internal improvement, to be applied by the said board, on the warrants of the second auditor, towards the payment of such interest.

5. This act shall commence and be in force from and after the passing thereof.

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[BILL No. 273.]

A BILL

Imposing Taxes for the Support of Government.

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1. *Be it enacted by the general assembly,* That the public taxes for the year eighteen hundred
2 and forty, shall be as follows: On lands, (except such as are exempted by law from taxation,) for
3 every hundred dollars value thereof, (agreeably to the assessment of lands made pursuant to the
4 "act providing for the re-assessment of lands in this commonwealth," passed March the twenty-
5 fourth, eighteen hundred and thirty-eight, and the act, entitled "an act to amend the act, entitled
6 'an act providing for the re-assessment of lands in this commonwealth,'" passed March the first,
7 eighteen hundred and thirty-nine,) ten cents; for all houses and lots in any city, borough or town,
8 (except such as are exempted by law from taxation,) two and an half dollars for every hundred
9 dollars yearly rent or annual value thereof; for all houses and lots in any city, borough or town,
10 (except such as are exempted by law from taxation,) improved and not rented or occupied, and for
11 all unimproved lots as aforesaid, ten cents for every hundred dollars value thereof, agreeably to the
12 above cited acts providing for a re-assessment of lands in this commonwealth; for every slave
13 above the age of twelve years, (except such as have been or may be exempted in consequence of
14 age or infirmity, by the respective county and corporation courts,) thirty cents; for every stallion
15 or jackass, twice the price at which such stallion or jackass covers a mare by the season, and when
16 the services of such stallion or jackass is charged for, not in money, but in provisions or other
17 commodities of value, then twice the alternative value of such property in money, such value to
18 be fixed by the commissioner of the revenue; for all other horses, mares, asses, mules and colts,
19 eight cents each; for every riding or pleasure carriage, stage coach, jersey wagon or carryall, and
20 harness belonging thereto, one per centum on the value thereof, to be ascertained by the commis-
21 sioner of the revenue in the manner prescribed by law: *Provided,* That not less than two dollars
22 shall be paid on each four wheel riding or pleasure carriage, stage coach and harness, and not less

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than one dollar on each jersey wagon or carryall and harness, and not less than fifty cents on each two wheel riding or pleasure carriage and harness.

2. There shall also be levied, collected and paid, in the manner prescribed by law, the following taxes, to wit: for each writ or declaration in ejectment, or other process instituting a suit in a superior court of law, seventy-five cents; for each subpœna in a superior court of chancery, seventy-five cents; for each writ of error, *supersedeas*, and *habeas corpus cum causa*, filing record of appeal or appeals to a superior court of law or chancery, and for each writ of *certiorari* issuing from the general court, or superior court of law or chancery, one dollar and fifty cents; for each appeal from a superior court of law and chancery to the court of appeals, and for each *supersedeas* or writ of error issuing from the court of appeals, two dollars and fifty cents; for each writ or declaration in ejectment, or subpœna instituting a suit in any county or corporation court, fifty cents; for each certificate under the seal of any superior or inferior court of law or chancery, (except such as are exempted by law from taxation,) one dollar; for every transfer of a surveyor's certificate in the register's office, one dollar and fifty cents; for every attestation, protestation, or other instrument of publication by a notary public under his seal of office, one dollar and twenty-five cents; for every certificate under the seal of the commonwealth, two dollars.

3. There shall be levied, collected and paid, on the several licenses hereinafter mentioned, to be granted in the manner prescribed by law, the following taxes to wit: on every ordinary license, or license to keep a house of public entertainment, a tax of not less than eighteen dollars, and if the yearly rent or annual value of such ordinary or house of public entertainment, (to be ascertained by the commissioner of the revenue in the manner prescribed by law,) shall exceed two hundred dollars, an additional tax at the rate of seven per centum on such excess of yearly rent or annual value; on every license to keep a house of private entertainment, a tax of not less than two dollars, and if the yearly rent or annual value of such house of private entertainment (to be ascertained by the commissioner of the revenue in the manner prescribed by law,) shall exceed

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fifty dollars, an additional tax at the rate of five per centum on such excess of yearly rent or annual value; on every license for selling goods, wares, merchandize and other articles of foreign or domestic growth, production or manufacture, or both, or either, at the same place, twenty dollars, but when the amount of goods, wares and merchandize shall exceed the amount of two thousand dollars, there shall be an additional tax assessed of one eighth of one per cent. on each and every hundred dollars of such excess, (to be ascertained by the commissioner of the revenue in the same manner prescribed by the revenue laws in relation to other personal property,) subject to all penalties thereby imposed, and which property shall be listed and returned as other property, and the tax thereon collected according to the laws in relation to other personal property; but nothing herein shall be so construed as in any manner altering the present laws in relation to the issuing of merchants' licenses, upon the payment of the sum of twenty dollars, in the manner now prescribed by law: *Provided however*, That no wholesale merchant shall pay less for his license than that now imposed by law, nor shall he be liable to any increased taxation unless the amount of goods, wares and merchandize on hand shall exceed the amount of sixty thousand dollars; on every license to a vendue master, where the operations of said vendue master are carried on in any city, town or borough in which the population exceeds two thousand, the sum of sixty dollars; where said vendue master's operations are carried on in any city, town or borough where the population is less than two thousand, or where the operations are carried on out of any city, town or borough, the sum of twenty dollars; on every license to a broker, sixty dollars; on every license to sell foreign lottery tickets and lottery tickets in lotteries authorized by the laws of this commonwealth, in each city, town, borough or county, five hundred dollars; on every license to sell lottery tickets in such lotteries only as are authorized by the laws of this commonwealth, in each city, town, borough or county, sixty dollars; on every license to a hawker or pedlar to sell or barter goods, wares, merchandize and other articles of foreign or domestic growth, production or manufacture, (except the article of clocks,) in each county or corporation where he or she shall sell or barter any of the aforesaid articles, twenty-five dollars; on every license to a hawker or pedlar dealing in tin and pewter only, in each county or corporation where he or she shall trade, ten dollars; on every license to a hawker or pedlar dealing either wholly or partly in clocks, in every

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county or corporation where he or she shall trade, one hundred dollars; on every license to an exhibitor of a public show, thirty dollars in each county or corporation where the same shall be exhibited.

4. *And be it further enacted*, That all clocks which shall be offered for sale by a hawker or pedlar shall be deemed to have been manufactured *without* the limits of this commonwealth, and be liable to taxation, unless the commissioner of the revenue, or other revenue officer within whose district such clocks shall be so offered for sale, shall be fully satisfied that the same were *bona fide* of the manufacture of this state.

5. This act shall commence and be in force from and after the passing thereof.

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Number.	BILLS.	Leave to introduce.	Presented.	Different readings, commitments and subdivisions.	Laid on table.	Rejected by house.	Passed by house.	Passed by senate without amendment.	Passed by senate with amendment.	Action of both houses on amendments.	Conferences.	Enrolled and signed.
1	A bill for the temporary relief of the banks,	6	15	15, 16			17		28	28, 29, 30		236
2	A bill to authorize the court of Norfolk county to run the ferries of said county by an agent,	17	21	23			25	28				236
3	A bill to incorporate the Dutoy and Powhatan coal companies,		23	23, 25	26		58	69				236
4	A bill to incorporate the Ligon coal mining company,		23	23, 25, 43			43	70				236
5	A bill concerning the killing of deer,		25	25, 43, 50, 54			55	77				236
6	A bill discharging Lilburn, otherwise called Lilburn Pleasants, from the penitentiary,		25	25, 44, 45, 159	45, 159	163						
7	A bill divorcing Virginia F. C. Crawford from her husband William A. R. Crawford,		25	25, 44, 45			45					
8	A bill changing the time of holding the corporation court for the town of Winchester,		25	25			25	27				236
9	A bill concerning attorneys' fees,		25	25, 44, 45			45		89	89		236
10	A bill to change the place of training the officers of the 95th regiment of militia,		25	25, 44, 45			45	69				236
11	A bill to revive the act incorporating the Huguenot coal mining and iron manufacturing company,		25	30			30	31				236
12	A bill changing the time of holding the fall term of the circuit superior court of Culpeper,		25	44, 45			51	85				236
13	A bill to authorize a separate election at Milford in the county of Harrison,		25	44, 45			51	69				236
14	A bill reducing into one the several acts prescribing the mode of ascertaining the taxable property within the commonwealth, and for collecting the public revenue,		27	30, 41, 42, 43, 93, 100, 107, 232	42, 212, 232		117		212	226, 227, 237		
15	A bill amending and reducing into one the several acts concerning taxes on licenses to keepers of ordinaries, merchants, vendue masters, and certain other subjects,		27	30, 43, 120	43		120		193	193		243
16	A bill divorcing Janetta P. Allen from her husband Robert S. Allen,		27	44, 45	51		64					
17	A bill changing the time of holding the circuit court of Greenbrier county,		27	44, 46			51	74				236
18	A bill divorcing Asahel Joyner from his wife Julia Anne,		27	44, 46			51					
19	A bill divorcing Thomas Prichett from his wife Elizabeth,		27	44, 46			51					
20	A bill divorcing Joel Ferguson from his wife Elizabeth,		27	44, 46			51					
21	A bill concerning western land titles,		27	44, 47, 57	51		58	82				236
22	A bill authorizing James M. Smith to erect a wharf on a part of the public landing on the east side of Coan river in the county of Northumberland; (title amended,) concerning the erection of wharves,		30	44, 87, 96			97		118	118		236
23	A bill concerning certain loans heretofore authorized for the North-western turnpike road,		30	44, 46, 51	46		51		82	82		236

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Number.	BILLS.	Leave to introduce.	Presented.	Different readings, committees and alterations.	Laid on table.	Rejected by house.	Passed by house.	Passed by senate without amendment.	Passed by senate with amendment.	Action of both houses on amendments.	Conferences.	Enrolled and signed.
24	A bill concerning the jurisdiction of circuit superior courts,		30	46, 50, 54	55	89						
25	A bill prescribing the punishment for poisoning or attempting to poison,		30	46, 51	28		54			107		236
26	A bill to incorporate the Clover Hill coal mining and iron manufacturing company,		32	46, 51			54	69				236
27	A bill to incorporate the Daniel's run and Hailsford turnpike company,		38	46, 51			54	74				236
28	A bill concerning special court of appeals,		39	46, 51			54	74				236
29	A bill to provide for a revision of the laws, (title amended) providing for the publication of a Virginia justice,		39	46, 51, 107, 116, 129, 172	51, 120		190					
30	A bill concerning the estate of George E. Harrison deceased,		39	46, 51			54	70				236
31	A bill changing the time of holding the circuit superior court of Amherst,		39	46, 51			54	118				236
32	A bill to amend the act authorizing the sale of certain lands late the property of Cornelia Hopkins deceased,		39	46, 51			54	72				236
33	A bill to revive and amend the act incorporating the Madison manufacturing company,		41	46, 51			54	69				236
34	A bill concerning the collection of taxes, levies and poor rates,		41	46, 57		57						
35	A bill changing the time of holding the circuit superior court of Mecklenburg county,		41	52, 54			55	87				236
36	A bill concerning Squire Sayre,		41	52, 54		55						
37	A bill to amend the several acts concerning the Northwestern turnpike road,		42	52, 58, 60	124, 183		62		124	134, 141, 146, 183, 208		245
38	A bill requiring certain duties therein mentioned of the court of appeals and general court,		43	52, 55		57						
39	A bill concerning the county and corporation courts,		43	54, 55, 90	55	90						
40	A bill concerning the Fauquier and Alexandria turnpike road,		43		55							
41	A bill to authorize two separate elections in the county of Loudoun, and one in the county of Halifax,		43	55, 57			58		72	72		236
42	A bill changing the time of holding circuit court of Randolph county,		45	55, 57			58	69				236
43	A bill divorcing Charlotte F. Helm from her husband Henry P. Helm;		45	55, 57	59		64					
44	A bill changing the time of holding the circuit superior court of Buckingham county,		45		55							
45	A bill concerning witnesses in civil cases,		45	55, 59, 69, 81, 89, 94	59	96						
46	A bill incorporating the Salem savings institution, society or bank,		45	55, 57			58		122	122		237
47	A bill changing the time of holding the quarterly courts of Pulaski county,		47	55	57							
48	A bill concerning levies for the building of bridges and causeways,		47	55, 59, 63	109		78		100	156, 157		
49	A bill concerning executions and new trials in cases upon warrants,		47	55, 59, 60, 81, 95, 104	59, 95		130	208				243
50	A bill concerning John Peyton jr.,		47	55, 57		59						
51	A bill to change the time of holding the general elections in the commonwealth,		47	56, 59, 91, 93	59		95					
52	A bill to amend an act, entitled, an act concerning general elections in the commonwealth,		47	56, 59, 63, 78, 79	59, 64, 212		89		212			
53	A bill annexing a part of the county of Mercer to the county of Giles,		47	56, 238	57	239						
54	A bill to establish a company of light infantry in the city of Richmond,			56, 57, 65, 120	75		132	145				242
55	A bill concerning the destruction of wild fowl in the counties of Accomack, Fairfax and Prince William,			56, 77, 80			80		124	124		237
56	A bill providing for the arrest and detention of fugitives from justice from other states,		50	56, 59, 228	59		235	241				245
57	A bill to amend the act, entitled an act declaring Greenbrier river a public highway,		50	56, 57			58	72				236
58	A bill incorporating the Winterpock rail-road company,		50	56, 57	59		64		87	87		236
59	A bill to amend and explain the act, entitled an act establishing the county of Pulaski of parts of the counties of Montgomery and Wythe.		50	56, 57			58	70				236
60	A bill incorporating the Western insurance company,		50	56, 57			58		28			212
61	A bill amending the charter of the town of Winchester,		53	53, 57, 137, 146, 152	59		153		168	168		243
62	A bill to authorize a separate election at the house of George Swhier in the county of Frederick,		54	57, 59, 60	60		62	70				236
63	A bill providing for the reissue of certificates of state stock due the Bank of Virginia,		57	58, 59, 228			228	241				245
64	A bill to incorporate the Exchange Hotel company in the city of Richmond,		58	61, 62, 77			77	131				237
65	A bill concerning the town of Lawrenceville in the county of Brunswick,		58	61, 62, 64			64	72				237
66	A bill concerning the Falmouth and Alexandria rail-road company,		61	62	64							
67	A bill incorporating the Elizabeth and Parkersburg turnpike company,		61	62, 64			78	118				242

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68	A bill concerning the publication of deeds,		61	62, 142	78		152		157	157		243
69	A bill authorizing a ferry from the lands of Thomas and E. Pollock in the county of Marshall across the Ohio river,		61	62, 64	78		194	205				243
70	A bill to authorize a separate election at Floyd's store in the county of Tazewell,		61	62, 64			78	82				236
71	A bill changing the name of the town of Sparta in the county of Rockingham,		61	62, 64			78	82				236
72	A bill making further provision for completing the eastern section of the road on the route surveyed from Huntersville to Parkersburg,		63	63, 78	153		80		153	158		243
73	A bill authorizing a further subscription on behalf of the state to the stock of the Red and Blue Sulphur springs turnpike company,		63	63, 78, 80	80	158						
74	A bill incorporating the Patterson's creek turnpike company,		63	63, 97, 137, 141, 152	97		153	162				243
75	A bill to amend the 52d section of the act, entitled an act reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators, (title amended) concerning the duty of executors and administrators, and wills of personal estate,		63	63, 97, 102	97, 131		108		131	163		243
76	A bill concerning the reward for killing wolves in the county of Loudoun, (title amended) in the *counties of Loudoun and Fairfax*,		63	63, 98, 101			101		116	143		236
77	A bill to establish a board of agriculture,		63	63, 97, 131	97		134					
78	A bill to establish a company of cavalry in the county of Halifax,		65	98, 102, 108			108	118				237
79	A bill allowing further time to William Crump for the completion of a mill dam,	70	74	84, 86			86	94				236
80	A bill concerning flour barrels,		77	80, 120	118, 164		122		164	184		243
81	A bill to incorporate the Bradford coal mining company in the county of Goochland,		77	81, 102, 108			108	116				236
82	A bill charging real assets with the payment of simple contract debts, and declaring the mode of administering the same,		77	82, 120, 142, 152	153							
83	A bill providing for the removal of the seat of justice for the county of King William,		79	86, 133, 142	135		152		193			243
84	A bill to discontinue Hoge's ferry across the Potomac river,		79	98, 102, 108			108	116				236
85	A bill to change the place of holding a separate election in the county of Franklin,		79	98, 102, 108			108	118				236
86	A bill concerning the arrest of poor debtors,		79	98, 129		129						
87	A bill changing the time of holding the second quarterly term of the county court of Warren,	74	79	96, 102, 108			108	116				236
88	A bill releasing to Susan C. Bott and Eliza Niblo the commonwealth's right to a lot of land in Petersburg,		79	98, 102, 108			108		212	212		243
89	A bill changing the time of holding the circuit superior courts of Jefferson county,		79	98, 102, 108			108	116				236
90	A bill to amend the charter of the James river and Kanawha company,		79	98, 151, 160	160		226	228				245
91	A bill authorizing the purchase of certain lands for the use of the poor of the county of Northampton, (title amended) concerning the purchase of lands by the overseers of the poor,		72	84, 85, 87, 88, 91			97	116				236
92	A bill to change the time of the meeting of the next general assembly,		81	98, 102, 108			108	118				236
93	A bill concerning the West Liberty academy in the county of Ohio,		81	98, 102, 107	109	117						
95	A bill to prohibit betting upon elections,		81	98, 129, 130			132		163	163		243
96	A bill to amend the several acts concerning ferries,		81	98, 133, 150	134		150	205				243
97	A bill concerning lotteries,		81	98, 133, 151, 190, 197, 198	152		205					
98	A bill incorporating the town of Triadelphia in the county of Ohio,		81	98, 102, 108			108		119	119		242
99	A bill amending the laws concerning attachments against absent defendants,		81	102, 159	133, 166							
100	A bill to incorporate the Virginia axe company,		83	102, 106, 117			123		195	195		243
101	A bill to increase the stock of the Dover coal mining company, and to grant them manufacturing privileges,		81	133, 134			134	142				242
102	A bill to amend an act, entitled an act concerning the Valley turnpike company,		83	133, 134			134					
103	A bill to amend an act, entitled an act declaring Simpson's creek a public highway,		83	102, 133, 134			134	163				243
104	A bill amending the laws in relation to the course of descents,		83	102, 133, 134			134		164	164		243
105	A bill changing the time of holding the spring term of the circuit superior court for the 21st circuit for the trial of criminal causes,		83	102	133							
106	A bill concerning the draining of lands,		83	102, 133, 134		225	134		225	225		
107	A bill fixing the site for the seat of justice for the county of Pulaski,		83	102, 131, 168, 170			190	203				243
108	A bill to incorporate the Potomac and Alleghany coal and iron manufacturing company,		85	102, 103, 118			120		145	145		242

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109	A bill authorizing an increase of the capital stock of the Rappahannock company,		85	102, 134, 143		143						
110	A bill incorporating the Carnifex ferry bridge company,		85	102, 134, 137			137	142				
111	A bill to convert the loan of $150,000 to the Winchester and Potomac rail-road company into stock,		85	101, 103, 107, 119, 120, 153	120	157						
112	A bill incorporating the Lewisburg savings institution,		85	102, 134, 143, 152			153	163				243
113	A bill concerning the preservation of records,		85	93, 98, 102, 108	150		108		150	152, 152		243
114	A bill to amend the act, entitled an act to incorporate the trustees of the Halifax academy,		85	102, 134, 137			137	142				242
115	A bill to amend an act, entitled an act incorporating the trustees of the Union academy of Campbell,		85	102, 134, 137			137	142				242
116	A bill incorporating the trustees of the Concord female seminary,		85	102, 135, 137			137	142				242
117	A bill incorporating the Wellsburg Jefferson seminary,		85	135, 137, 147			147	163				243
118	A bill incorporating the Mercantile library association of Richmond,		85	135, 146, 152			153	194				243
119	A bill concerning the water works of the city of Richmond,		85	135, 146, 152, 153, 159	153, 159	156	194	212				243
120	A bill concerning western land titles,		87	135, 153, 158, 166			160	183				243
121	A bill increasing the reward for apprehending runaways,		87	135, 153, 158, 166	169, 228	230	154		208	225, 227, 240		
122	A bill to incorporate the Hot springs company in the county of Bath,		88	135, 137, 147			147	156				243
123	A bill to amend an act, entitled an act for the better organization of the militia,		88	135, 153, 155, 203	166		205		222	222		244
124	A bill to give the state's guarantee to a loan of the Richmond, Fredericksburg and Potomac rail-road,		88	135, 166	169	196						
125	A bill to increase the capital of the Richmond, Fredericksburg and Potomac rail-road,		88	135, 216	166, 219		224		241	242		245
126	A bill fixing the school quotas of the counties of Orange and Greene,		88	88, 93			95	96				236
127	A bill concerning Squire Sayre,		88	135, 141	137		152		205	205		243
128	A bill concerning the collection of rents,		88	135	169							
129	A bill exempting the counties of Prince William and Campbell from the operation of the act concerning apprentices,		90	135, 137, 147			147					
130	A bill incorporating the Princess Anne and Kempsville canal company,		90	135, 137, 147			147	168				243
131	A bill to increase and regulate the tolls on the Powhatan rail-road and the Tuckahoe and James river rail road,		90	125, 133, 137			147	162				243
132	A bill to authorize the county court of Augusta to subscribe for stock in the Valley turnpike company,		90	135	139							
133	A bill to amend the act, entitled an act prescribing certain general regulations for the incorporation of turnpike companies,		90	135, 169, 170			170	203				243
134	A bill establishing the county of ——— of parts of the counties of Harrison, Lewis and Wood,		90	135, 146, 152		153						
135	A bill changing the manner of appointing an inspector of flour and indian meal in Winchester,		92	135, 137, 147			147	170				243
136	A bill to incorporate the Western Virginia silk and agricultural company,		92	134, 137			137		150	150		243
137	A bill to amend the act, entitled an act concerning general elections in this commonwealth, (title amended,) prescribing certain rules of evidence in contested elections,		92	135, 169, 170			170					
138	A bill giving jurisdiction to justices of the peace in actions of trespass upon real and personal property,		93	150, 205	170	205						
139	A bill amending the act authorizing the county court of Monongalia county to raise money for certain purposes,		93	150, 171, 190			190	205				243
140	A billdivorcing Benjamin Wright from his wife Mariana,		93	150, 171	190							
141	A bill extending the act authorizing the drawing of a lottery in the town of Fredericksburg,		93	125			128	131				237
142	A bill incorporating the trustees of Richmond college,		93	150, 171, 190			190	203				243
143	A bill to repeal the act, entitled an act concerning the Hampton academy,		93	150, 171, 190			190	203				243
144	A bill increasing the tolls of the Petersburg rail-road company, (title amended,) of the Petersburg, Greensville and Portsmouth and Roanoke rail-road companies,		94	150, 171, 229	190		220		239	239		245
145	A bill to incorporate the society for the relief of the widows and orphans of clergymen in Virginia,		94	150, 194	171		196					
146	A bill to amend the several acts concerning the banks,		94	94, 101, 118, 120, 121, 123, 126, 197, 128	94		132		210	220	223, 235, 237, 238, 240, 241	245

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146	A bill providing for certain alterations to the hall of the house of delegates and to the interior of the capitol,		97	171, 190			190		214	214		244
147	A bill for the relief of Verlinda Perry,		97	150, 171, 190			190	205				243
148	A bill amending the charter of the Fire and Marine insurance company of Wheeling,		97	97, 101			101	108				236
148	A bill to authorize a separate election at Mangohick in the county of King William,		98	150, 171, 190			190		205	205		243
149	A bill concerning John Seabrook,		98	150, 171		171						
150	A bill establishing the county of ———— of parts of the counties of Monongalia and Harrison,		98	150, 171		190						
151	A bill providing for the erection of a steward's house and for furnishing a supply of water for the Virginia military institute,		98	150, 191			192	208				243
152	A bill incorporating the Preston rail-road, lumber and mining company,		98	150, 191	194		194		208	208		243
153	A bill authorizing the board of public works to appoint agents in certain cases,		98	135		191						
154	A bill exempting firemen in the borough of Norfolk from serving on petit juries in civil cases,		99	150, 194			196	208				243
155	A bill amending the laws concerning slaves, free negroes and mulattoes,		100	150, 194, 203			203					
156	A bill releasing John Murdaugh from the penalties of the dueling act,		100	150, 194		194						
157	A bill to incorporate the Tazewell White Sulphur springs company,		100	150, 194, 203			203	212				243
158	A bill incorporating the Sweet springs and Salt Sulphur turnpike company,		103	150, 194, 203			203	212				243
159	A bill to incorporate French's hotel company in the borough of Norfolk,		103	150, 194, 203			203		219	219		244
160	A bill to amend the act passed 1834, entitled an act to amend the several acts concerning slaves, free negroes, &c.,		103	150, 194								
161	A bill divorcing Mary Eanes from her husband George H. Eanes,		103	154, 194, 203			203					
162	A bill concerning Thomas Beazley a free man of colour,		103	150, 194, 203			203	212				243
163	A bill authorizing additional compensation for the tuition of poor children,		106	150, 195, 203			203					
164	A bill providing for the payment of slaves condemned to transportation, under the act concerning incendiary publications, (title amended,) providing for the payment of slaves condemned to death or transportation,		106	150, 195, 205	195		210		225	225		245
165	A bill authorizing *femes covert* to maintain suits in their own names when deserted by their husbands,		108	150, 195, 203			203					
166	A bill granting permission to certain slaves emancipated by Jane Robinson deceased to remain in the commonwealth,		108	150, 195		195						
167	A bill authorizing the confession of judgments in the clerk's office, and for other purposes,		108	150, 195, 203			203		220	222		244
168	A bill for the relief of the heirs of John A. Trent deceased, and to release the right of the literary fund in certain cases to forfeited lands,		108	150, 203, 205			205		220	222, 235		245
169	A bill amending the charter of the Appomattox coal mining company,		108	150, 206, 210			210	218				244
170	A bill to authorize a ferry from the lands of William W. Wenner in the county of Loudoun across the Potomac river,		108	150, 206, 210			210	218				244
171	A bill incorporating the Fallen creek manufacturing company,		116	150, 206, 210			210	219				244
172	A bill concerning the lien of judgments and limiting proceedings against special bail in certain cases,		116	150, 206, 210	232		210		220			
173	A bill authorizing the sergeant of the city of Williamsburg to appoint a deputy (title amended) and empowering the common council of Richmond to elect a mayor in certain cases,		116	159, 206, 210			210	218				244
174	A bill to authorize George M. Carrington and William Walker to establish a ferry across James river at Richmond,		118	120, 151, 196	196							
175	A bill to amend the act, entitled an act to establish the Bank of Kanawha,		119	159, 206, 210			210					
176	A bill incorporating the trustees of the Harrisonburg academy in the county of Rockingham,		121	150, 206, 210			210		222	222		244
177	A bill incorporating the Danville savings institution,		121	150, 192			194	205				243
178	A bill incorporating the Dunlap's creek turnpike company,		122	162, 163, 169			170	203				243
179	A bill providing more effectually for the opening and repairs of public roads in the county of Loudoun,		122	160, 205		205						
180	A bill to incorporate the town of Point Pleasant in the county of Mason,		122	160, 206, 210			210	218				244
181	A bill to authorize two separate elections in the county of Prince George,		122	160, 206, 210			210	218				244
182	A bill to amend the several acts concerning the solemnization of marriages,		122	160, 206, 210			210					
183	A bill incorporating the trustees of Bethany college,		124	162, 163, 169			170	193				243
184	A bill to revive the act authorizing John Whitaker to erect a toll-bridge across Peak creek in Wythe county,		124	160, 206, 210			210	222				244
185	A bill to revive the act incorporating the Sweet and Blue Sulphur springs turnpike company,		125	160, 206, 210			210	218				244

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186	A bill concerning the Newbern and Red Sulphur springs turnpike company,		125	160, 206, 211			211	218				244
187	A bill to amend the act incorporating the Buchanan, Fincastle and Blacksburg turnpike company,		125	160, 206, 211			211	218				244
188	A bill to amend an act to incorporate a company to establish a turnpike from Lewisburg to the Little river turnpike,		125	162, 163, 169			170	193				243
189	A bill to amend the act reducing into one the several acts concerning slaves, free negroes and mulattoes,		125	160, 205, 210		225	210		225	225		
190	A bill for the support and education of poor girls within this commonwealth,		127	160, 206, 211			211		222	222		244
191	A bill incorporating the Macon's mill and Cold Harbour turnpike company,		127	160, 206, 208, 213			219	225				244
192	A bill concerning the Baltimore and Ohio rail-road company,		127	160, 206, 213	206		219					
193	A bill appointing trustees for the town of New Market and prescribing their powers and duties,		127	160, 206, 211			211	218				244
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Number.	BILLS.	Leave to introduce.	Presented.	Different readings, commitments and amendments.	Laid on table.	Reported by house.	Passed by house.	Passed by senate without amendment.	Passed by senate with amendment.	Action of both houses on amendments.	Conferences.	Enrolled and signed.
226	A bill to amend the several acts concerning the Portsmouth and Roanoke rail-road company,		151	202, 213, 223	213		227		238	239		245
227	A bill incorporating the New Market and Buffalo springs turnpike company,		151	202, 213			219	225				245
228	A bill incorporating the trustees of the Blacksburg female academy,		151	216, 219			219	225				244
229	A bill incorporating the Roanoke circulating library company,		151	216, 219			219	225				245
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234	A bill to authorize the use of paint in putting brand marks on casks of flour and indian meal,		157	216	216							
235	A bill concerning the return and trial of warrants in civil cases,		158	216	216							
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238	A bill to authorize a separate election in each of the counties of Rappahannock, Halifax, Fairfax and Amherst,		158	216, 219			219	225				244
239	A bill to carry into effect the provisions of the will of Martin Dawson deceased,		158	217	217							
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245	A bill to amend the charter of the Norfolk savings institution,		165	217, 219			219	225				244
246	A bill incorporating the Clarksburg savings society,		166	217, 219			219	225				244
247	A bill to extend the corporate limits of the town of Danville in the county of Pittsylvania,		166	217, 219			219	225				244
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251	A bill incorporating the Washington academy of Amelia,		168	217, 224			224	238				245
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253	A bill authorizing Ebenezer Ellason and others to construct a toll bridge across the Rapid Ann river,		170	217, 224			224	238				245
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273	A bill imposing taxes for the support of government,		207	207, 212			213		239	239, 241		245
274	A bill to increase the capital stock of the Little and Big Deep creek navigation company, and for other purposes,		212	217, 223			224	238				245
275	A bill to incorporate the town of Jeffersonville in the county of Tazewell,		212	217, 224			224	238				245
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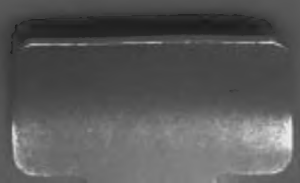

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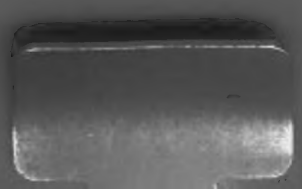
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